(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Red Hook

Local Law No. 3 of the year 2011

A local law amending Chapter 143 entitled ZONING and Chapter 120 entitled SUBDIVISION OF LAND of the Code of the Town of Red Hook.

Be it enacted by the Town Board of the Town of Red Hook as follows:

SECTION 1. LEGISLATIVE INTENT

This Local Law shall amend the Town of Red Hook Zoning Law and Subdivision Law. The amendments will create two new zoning districts (the Agricultural Business District and the Traditional Neighborhood Development District), will replace the Town's existing cluster regulations with provisions for conservation subdivisions, and will add a new section on open space incentive zoning, in addition to other incidental changes necessitated by these amendments. In order to encourage village-scale density within the Traditional Neighborhood Development District, the law eliminates the density bonus for provision of central water in the R1 and R1.5 Districts. The amendments are designed to protect the health, safety and welfare of Town residents and to bring the Town's Zoning Law and Subdivision Law into conformance with the *Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities* pursuant to Chapter 17-3 of the Town Code. The proposed amendments are consistent with the recommendations of the Town's *Comprehensive Plan*.

SECTION 2. APPLICATION

This Local Law shall apply within the unincorporated areas of the Town of Red Hook.

SECTION 3. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

SECTION 4. AMENDMENTS TO CHAPTER 120 OF THE TOWN CODE ENTITLED "SUBDIVISION OF LAND"

§ 4-1. Chapter 120 of the Code is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new Chapter 120:

ARTICLE I
Planning Board

§ 120-1. Planning Board empowered to approve plats.

A. The Planning Board of the Town of Red Hook is vested with the authority to approve, approve with conditions and disapprove plats for subdivision within the unincorporated portion of the Town of Red Hook and to assume all other powers and duties as prescribed by the Town Law, Chapter 62 of the Consolidated Laws of the State of New York.

B. Accordingly, all subdivision plats hereinafter submitted to the Planning Board for approval shall be governed by and subject to the provisions of this chapter.

ARTICLE II
General Provisions

§ 120-2. Policy; objectives.

A. It is declared to be the policy of the Town of Red Hook Planning Board to consider land subdivision plats as part of a plan for the orderly, economic and efficient future growth and development of the town consistent with its agricultural and rural community character and the continuing needs of its people for quality residential building sites and enjoyable open space.

B. The following objectives shall guide the Planning Board's decisions as related to the public health, safety and welfare:

(1) Land to be subdivided and developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and without resulting in significant damage to the agricultural, ecological, and scenic characteristics of the area in which the subdivision is located.

(2) Proper provision shall be made for water supply, drainage, sewage and other needed improvements and utilities.

(3) Proposed streets shall compose a convenient system and shall be of such width, grade and location as to accommodate present and prospective traffic while minimizing impacts on the environment. Streets shall be designed in accordance with the highway specifications approved by the Town for traditional neighborhood streets in centers and for rural roads in other areas in order to safely accommodate traffic while minimizing street costs, calming traffic, and providing properly scaled streets that create an attractive community and a clearly defined sense of place.

(4) All development shall be designed to facilitate adequate fire and emergency protection and provide access for fire-fighting and related equipment.

(5) Proper provision shall be made for permanent reservation of open spaces for parks and trails and for the protection of natural drainage, agricultural resources, and significant historical and environmental features.

(6) Future development shall bear a fair share of the capital costs to the town for municipal improvements necessary to service such new development and shall cause improvements which can be maintained at reasonable cost.

(7) All development and related reservations of land shall be in harmony with the Dutchess County and Town of Red Hook Comprehensive or Master Plans and shall be consistent, as applicable, with the town's historic and coastal management districts, the New York State Department of Environmental Conservation scenic district and scenic roads programs and any locally or state-designated critical environmental areas.

(8) All review under this chapter shall be coordinated, to the extent practicable, with involved agencies at the county, state and federal levels and with other local officials, boards and commissions to ensure consistent, well-informed decision making.

§ 120-2.1. Purpose.

The purpose of this chapter is to protect the public health, safety and welfare of the residents of the Town of Red Hook and to provide for the orderly, efficient, aesthetic and economical development of the town by providing a uniform means of enforcing the subdivision rules and regulations and the decisions of the Planning Board of Red Hook, Dutchess County, New York. Purposes for conservation subdivisions are set forth in § 143-33 of the Town Code.

§ 120-2.2. Conservation Subdivision.

Conservation subdivisions shall meet the supplemental procedures and requirements for conservation subdivisions as set forth in this chapter. To the extent any conflict exists between the requirements for a conservation subdivision and any other section of the Code, the requirements for conservation subdivision shall apply.

ARTICLE III
Terminology

§ 120-3. Definitions.

For the purpose of this chapter, certain words and terms used herein are defined below. Words not defined herein may be defined in Chapter 143, Zoning, Chapter 77, Flood Damage Prevention, or have their ordinary meaning.

BUILDABLE ACREAGE – See § 143-23 of the Town Code.

CLERK OF THE PLANNING BOARD — That representative or those representatives of the Planning Board, either member, employee or consultant, who shall be designated to perform the duties of the Clerk of the Planning Board for purposes of this chapter.

COMPLETE APPLICATION – An application which includes the following:

A. All information concerning the proposed subdivision in the format required by the applicable provisions of this chapter;

B. All application fees required by this chapter and the escrow deposit for development review costs, if any, required by the Planning Board;

C. An EAF assessing the potential environmental impacts of the proposed subdivision; and

D. A determination by the reviewing agency, or by the lead agency in the event of a coordinated review, that the proposed project is not likely to have a significant impact on the environment (negative declaration), or the filing of a notice of completion of a DEIS in accordance with the provisions of SEQRA.

CONSERVATION EASEMENT — An easement, covenant, restriction or other interest in real property created under the provisions of § 247 of the General Municipal Law and/or the provisions of §§ 49-0301 through 49-0311 of the Environmental Conservation Law, which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the agricultural, scenic, open, historic, archaeological, architectural or natural condition, character, significance or amenities of the real property. Any such conservation easement shall comply with the regulations in § 143-33E of the Town Code

CONSERVATION SUBDIVISION – A conservation subdivision permits greater design flexibility and smaller average lot sizes than otherwise possible in a conventional lot-by-lot subdivision in order to preserve open space on the remainder of the property without increasing building potential for the tract as a whole. Conservation subdivisions are authorized under § 278 of the Town Law of the State of New York, and are also known as cluster subdivisions or open space subdivisions. References in this chapter or in Chapter 143, Zoning, to the terms "cluster development", "cluster subdivision" or "residential cluster subdivision" shall mean conservation subdivision.

CONSERVED FARM – Land that is or has been used in agricultural production which has been preserved in perpetuity with a conservation easement.

DAY or DAYS — Consecutive calendar days.

DESIGNATED TOWN ENGINEER — That licensed professional engineer, either employee or consultant, who shall be chosen by the Town Board upon recommendation of the Planning Board to perform the duties of the designated Town Engineer for purposes of this chapter.

DRIVEWAY — A private way situated within a lot for vehicular traffic, providing access from a street to a single dwelling or a commercial premises. "Common driveway" is the term employed to identify a like facility which provides shared access to a maximum of four dwellings or to two or more commercial premises.

EASEMENT — An acquired right of use on the property of another for a specified purpose on a designated part of that property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER — A person licensed as a professional engineer by the State of New York.

ENGINEERED YIELD PLAN — A method of determining density of a conservation subdivision as set forth in § 120-21.1B(2) of the Code.

ENVIRONMENTAL CONSERVATION LAW — The Environmental Conservation Law of the State of New York, Chapter 43-B of the Consolidated Laws.

FORMULA METHOD YIELD PLAN – A method of determining density of a conservation subdivision as set forth in § 120-21.1B(1) of the Code.

HISTORIC AND CULTURAL RESOURCES – Buildings or other structures, objects, landscapes or sites listed or eligible for listing on the State or National Registers of Historic Places or locally designated as a historic or cultural resource.

IMPORTANT FARMLAND – Land characterized by one or more of the following characteristics:

A. Presence of soils that are classified as prime farmland soils by the U.S. Department of Agriculture Natural Resources Conservation Service, as listed in the Dutchess County Soil Survey;

B. Presence of soils that are classified as farmland of statewide importance by the U.S. Department of Agriculture Natural Resources Conservation Service, as listed in the Dutchess County Soil Service.

IMPROVEMENTS — A physical change to the land or installation of certain services necessary to produce usable and desirable lots or sites from raw acreage, including but not limited to water and sanitary sewer facilities, recreation and open space areas, grading, pavement, curbs, gutters, storm sewers and drains and betterments to existing watercourses, sidewalks and other pedestrianways, street signs, shade trees, sodding or seeding and buffer plantings and monuments, whether any such improvement is intended to be dedicated and maintained by the public or held in private ownership.

MASTER OR COMPREHENSIVE PLAN — A Comprehensive Plan for the general physical development of the Town of Red Hook prepared by the Planning Board pursuant to § 272-a of the Town Law, a comprehensive update of such plan having been adopted by the Town Planning Board on January 18, 1993, and as may be amended from time to time.

OFFICIAL MAP — The map which may be established by the Town Board under § 270 of the Town Law, showing streets, highways and parks and drainage theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

PLANNING BOARD — The Planning Board of the Town of Red Hook, Dutchess County, New York.

PLANNING CONSULTANT — That professional planning consultant, who shall be a member of the American Institute of Certified Planners, who shall be chosen by the Town Board upon recommendation of the Planning Board to assist in the review of project-specific applications and to advise on the administration of this chapter and related requirements.

PLAT — The map of a subdivision showing the location, boundaries and proposed ownership of individual properties and associated improvements.

PRELIMINARY PLAT — The maps, drawings and other data showing the layout of a proposed subdivision, as specified in Article VII, § 120-22, of this chapter, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout and improvements within such proposed subdivision.

PUBLIC HEALTH LAW — The Public Health Law of the State of New York, Chapter 45 of the Consolidated Laws.

QUALIFIED EASEMENT HOLDER – 1) A not-for-profit corporation organized *inter alia* for the conservation or preservation of real property and which has the power to acquire interests in real property. Such organization must have qualified as exempt for federal tax purposes pursuant to § 501 (c)(3) of the Internal Revenue Code or any similar successor statutory provision; or 2) The state or a municipal corporation as that term is defined in section two of the General Municipal Law.

RESOURCE ANALYSIS MAP – A map which depicts the natural, historical and cultural resources on a site, resulting in the identification of resources to be protected and establishing preliminary building envelopes.

RESUBDIVISION — Any change in the plat of a subdivision which has previously been filed in the office of the Dutchess County Clerk, which change affects any street layout shown on such plat, affects any area reserved thereon for public use or open space purposes or diminishes the area of any lot shown thereon.

SIGHT DISTANCE — The distance an object 18 inches off the pavement, e.g., a taillight, is visible from an eye level 54 inches above the pavement, i.e., an average seated driver's eye level.

SKETCH PLAT — A sketch of a proposed subdivision, showing the information required by this chapter, to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and the objectives of this chapter. A "sketch plat" may be a freehand sketch made on a topographic survey map showing the proposed subdivision in relation to existing conditions.

STEEP SLOPES – Slopes of twenty (20) percent gradient or greater. Slope determination shall be based upon five-foot USGS contour intervals, unless an applicant elects to submit slope information with smaller contour intervals or a specific section of this chapter or Chapter 143, Zoning, requires the use of smaller contour intervals.

STREET – A way for vehicular traffic, designed to provide access to abutting properties, whether designated as a "street," "highway," "thoroughfare," "parkway," "throughway," "road," "artery," "avenue," "boulevard," "lane," "place" or "drive" or however otherwise designated, which is any of the following: an existing public way, i.e., a state, county or town road or highway; a street shown upon a subdivision plat approved by the Town Planning Board as provided by this chapter; or a street shown on a plat duly filed and recorded in the office of the Dutchess County Clerk prior to the date authority was granted to the Planning Board to approve such plats.

A. CUL-DE-SAC or DEAD-END STREET — A street with only one means of vehicular ingress and egress and with a turnaround at its terminus.

B. PRIVATE STREET — A street proposed for long-term ownership and maintenance by a private entity, e.g., a homeowners' or condominium association.

C. PUBLIC STREET — A street proposed for dedication to the town for purposes of ownership and maintenance.

D. THROUGH STREET — A street with two or more means of ingress and egress, i.e., having two or more points of connection with another street or streets.

STREET PAVEMENT — The wearing or exposed surface of the roadway used by vehicular traffic, i.e., the traveled way.

STREET WIDTH — The width of the right-of-way or the distance between property lines on opposite sides of a street, measured at right angles to the center line of such street.

SUBDIVIDER — Any person, firm, corporation, partnership or association which shall lay out for the purpose of development, sale or lease any subdivision or part thereof as defined herein, either for himself, itself or for others.

SUBDIVISION — The division of any parcel of land into two or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of adjustment of lot line, transfer of ownership, lease for other than agricultural or conservation purposes or building development. Such division shall include resubdivision of parcels of land for which an approved plat has already been filed in the office of the County Clerk and which is entirely or partially undeveloped and the replatting of plats filed prior to compulsory review and approval by the Planning Board.

A. LOT LINE ALTERATION — A type of minor subdivision resulting in a modification in the boundary of an existing, legally established lot which does not result in the creation of any new lot nor create any nonconformity with respect to any area or bulk requirement established by the Town Zoning Law, the Dutchess County Health Department, the New York State Uniform Fire Prevention and Building Code or other law, rule or regulation.

B. MINOR SUBDIVISION — Any subdivision containing not more than four lots, each of at least the minimum lot area and dimension permitted by the Zoning Law, each fronting on an existing street, not involving any new public or private street or road or the extension of town or other municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties and not in conflict with any provision or portion of the Master Plan, Official Map, Chapter 143, Zoning, or this chapter.

C. MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots, or any subdivision requiring any new street or any extension of town or other municipal facilities.

SUBDIVISION LAW – The subdivision law of the Town of Red Hook, adopted by the Town Board, as amended from time to time. The subdivision law is codified as Chapter 120 of the Code.

SUBDIVISION PLAT or FINAL PLAT — The final maps, drawings and charts on which the subdivider's plan of subdivision containing all information or detail required by law and by this chapter is presented to the Planning Board for approval and which, if approved, shall be submitted to the Dutchess County Clerk for filing or recording in order to complete the subdivision approval process.

SUPERINTENDENT OF HIGHWAYS — The duly elected Town Superintendent of Highways of the Town of Red Hook.

SURVEYOR, LAND — A person licensed as a professional land surveyor by the State of New York.

TOWN BOARD — The Town Board of the Town of Red Hook, Dutchess County, New York.

TOWN LAW — The Town Law of the State of New York, Chapter 62 of the Consolidated Laws.

TOWN STREET AND HIGHWAY SPECIFICATIONS — The standards and specifications adopted by the Town Board for the construction of streets and related subdivision improvements, said specifications set forth and on file in the town offices.

WETLANDS – New York State Department of Environmental Conservation designated wetlands and those adjacent land areas within 100 feet of the delineated wetland; federal wetlands regulated by the U.S. Army Corps of Engineers; and any locally protected wetlands.

ZONING LAW — The officially adopted Zoning Law of the Town of Red Hook, together with any and all amendments thereto, in accordance with Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law, which Zoning Law is set forth as Chapter 143 of the Code of the Town of Red Hook.

ARTICLE IV
Approval Procedure

§ 120-4. Approval required.

A. Whenever any subdivision of land is proposed and before any contract for the sale or lease of or any offer to sell or lease any lots in such subdivision or any part thereof is made and before any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures.

B. No subdivider shall offer to sell or offer to convey, or offer to transfer or offer to lease any subdivision or resubdivision or lot, block or site or part of a subdivision or resubdivision without having fully complied with the Town of Red Hook Subdivision Law and without having obtained approval of the Town of Red Hook Planning Board pursuant to the Town of Red Hook Subdivision Law and Article 16 of the Town Law.

C. No subdivider shall sell or convey or transfer or lease any subdivision or resubdivision or lot, block, site or part of a subdivision or resubdivision without having fully complied with the Town of Red Hook Subdivision Law and without having obtained approval of the Town of Red Hook Planning Board pursuant to the Town of Red Hook Subdivision Law and Article 16 of the Town Law.

D. Any owner of real property who shall create a subdivision or who shall subdivide real property into lots within the Town of Red Hook without first obtaining approval of the Planning Board of the Town of Red Hook of a subdivision map or plat showing the land to be subdivided shall be guilty of a violation of this chapter. Any contract vendee, agent or contractor or such owner who

shall knowingly participate in such violation and any grantee of such owner who shall knowingly participate in such violation shall also be guilty of a violation of this chapter.

E. Escrow deposit for development review costs. Reasonable and necessary costs incurred by the Planning Board for professional review of an application shall be charged to the applicant pursuant to Chapter 70 of the Red Hook Town Code.

F. Application fees. A non-refundable fee shall accompany all applications for preapplication discussion, sketch, major and minor subdivision approval. Application fees shall be in accordance with a subdivision fee schedule established and annually reviewed by the Town Board. A copy of said fee schedule is available from the Planning Board Clerk.

§ 120-5. Preapplication procedure.

Prior to filing an application for approval of a major subdivision plat, the applicant shall submit a Resource Analysis Map and participate in a conceptual design discussion with the Town of Red Hook Planning Board. The Sketch Plat may be submitted simultaneously with the Resource Analysis Map, or may be submitted at a subsequent meeting. However, the Resource Analysis Map must be on a separate map from the Sketch Plat. The Planning Board may, in its discretion, require submission of a Resource Analysis Map for a minor subdivision.

Applicants should become familiar with the Town's Subdivision Law, Comprehensive Plan, Open Space Plan, Zoning Law, Greenway Connections, and SEQR requirements in order to have a general understanding of the process. The applicant should have also performed an on-site assessment of the parcel(s).

A. Resource analysis map.

(1) If required, prior to the submission of a Sketch Plat, an applicant shall prepare a Resource Analysis Map which meets the requirements of § 120-19.1, and participate in a discussion with the Planning Board to determine a conceptual plan for the proposed subdivision.

(2) Five (5) copies of the Resource Analysis Map shall be submitted to the Clerk of the Planning Board at least 10 days prior to the regular meeting of the Planning Board. Payment of a nonrefundable filing fee in accordance with the subdivision fee schedule shall accompany the submission.

B. Study of Resource Analysis Map. The Planning Board shall review the applicant's Resource Analysis Map and discuss the proposed subdivision with the applicant. The applicant should be prepared to discuss possible subdivision concepts, based on the site's resource analysis, and how the subdivision concepts can meet the objectives of Town regulations. The Resource Analysis Map and conceptual design discussion will form the basis for the design of the subdivision and should be reflected in the sketch plan and subsequent plans. Any requirements of these regulations which the applicant requests to be waived should be discussed at this time. No statement, comment or other communication made during this informal review shall be binding on any party. The Planning Board may provide the applicant with written comments, which may be in the form of meeting minutes, regarding whether the Resource Analysis Plan meets the objectives of this Chapter. If comments are received, such comments shall be incorporated by the applicant into the sketch plat. If no comments are received within 62 days of submission of the Resource Analysis map, the applicant may proceed to sketch.

C. The Resource Analysis Map and conceptual discussion does not allow filing of a plat with the Dutchess County Clerk or authorize the sale or lease of or any offer to sell or lease any lots in such subdivision or any part thereof. The Resource Analysis Map and conceptual discussion allows the applicant to proceed with Sketch Plat application.

D. Conservation subdivision. The applicant is encouraged at this time to identify a party to accept a conservation easement over the required open space which may provide input as to which land has conservation value and which land is suitable for development.

§ 120-6. Sketch plat.

A. Submission of sketch plat. The property owner or his duly authorized representative shall submit to the Clerk of the Planning Board at least 10 days prior to the regular meeting of the Planning Board a sketch plat application and five copies of a sketch plat of the proposed subdivision for purposes of classification and preliminary discussion. A portion or all of the required copies of the sketch plat may be submitted electronically to the extent procedures for such submission have been adopted by the Planning Board. If the proposed subdivision includes five or more lots, the sketch plat shall conform to the requirements listed in Article VII, § 120-21, of this chapter. The Sketch Plat should reflect what was learned from the site's Resource Analysis Map, where required, and conceptual discussion with the Planning Board, where required.

B. Classification and designation. Classification of the sketch plat is to be made at the regular meeting by the Planning Board as to whether it is a minor or major subdivision, as defined in this chapter. A notation regarding classification shall be made by the Planning Board directly on the sketch plat. The Planning Board may require, however, when it deems necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plat is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in Article IV, § 120-7, of this chapter. If the sketch plat is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Article IV, §§ 120-8 and 120-9. The Planning Board shall, based upon input provided by the applicant, also designate the name by which the subdivision shall be known.

C. Study of sketch plat.

(1) The Planning Board shall, within 62 days after submission, determine whether the sketch plat meets the objectives of this chapter and shall, where it deems necessary, make, in writing, specific recommendations to be incorporated by the applicant in the next submission to the Planning Board. In its review, the Planning Board may schedule a field visit to the site. To facilitate the inspection of the site, the subdivider shall have the corners of the property, proposed lot corners and the center line of any proposed streets marked by temporary stakes. The subdivider and/or his representatives may be requested to accompany the Planning Board during its site visit.

(2) Sketch plat review requires the filing of an initial application and payment of a nonrefundable fee in accordance with the subdivision fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board. Sketch plat endorsement does not allow filing of a plat with the Dutchess County Clerk or authorize the sale or lease of or any offer to sell or lease any lots in such subdivision or any part thereof.

§ 120-7. Minor subdivisions.

A. Application and fee. Within six months of the classification by the Planning Board of the sketch plat of a proposed subdivision as a minor subdivision, the property owner or his duly authorized representative shall submit an application for approval of a minor subdivision plat. The plat shall conform to the layout shown on the sketch plat and incorporate any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article VII, § 120-20, of this chapter. Any application for plat approval for a minor subdivision shall be accompanied by the applicable nonrefundable fee.

B. Number of copies. The application for approval of a minor subdivision plat, complete with eight copies of the subdivision plat and all further required data specified within Article VII, § 120-20, shall be filed with the Clerk of the Planning Board at least 10 days prior to the regular meeting of the Planning Board, at which meeting it shall be introduced and considered officially received by the Planning Board for purposes of this chapter. A portion or all of the required copies of the plat and data may be submitted electronically to the extent procedures for such submission have been adopted by the Planning Board.

C. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the minor subdivision plat.

D. Public hearing. Within 62 days of the receipt of the complete application for a subdivision by the Planning Board, the Planning Board shall hold a public hearing on such plat. Notice of the public hearing shall be advertised at least once in an officially designated general circulation newspaper of the town at least five days before such hearing. If the Planning Board is serving as lead agency under SEQRA, and if the Planning Board has determined that a DEIS is required, a public hearing shall be held on the DEIS. The public hearing on the DEIS and the public hearing on the subdivision application shall be consolidated and held jointly, in which event the hearing must be advertised at least once in a newspaper of general circulation in the Town at least 14 days prior to the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such plat. The hearing on the plat shall be closed upon a motion of the planning board within 120 days after it has opened, unless extended by mutual consent of the applicant and the Board.

E. Decision on subdivision plat.

(1) If no DEIS has been required, the Planning Board shall, within 62 days after the close of the public hearing required on such plat, approve, with or without modifications, or disapprove the plat. This time may be extended upon mutual consent of the applicant and the Planning Board.

(2) If a DEIS has been required, the final EIS shall be filed within 45 days following the close of the public hearing in accordance with the provisions of SEQRA. Within 30 days of the filing of such final EIS with the Planning Board, the Planning Board shall issue findings on the final EIS and make its decision on the plat. This time may be extended upon mutual consent of the applicant and the Planning Board.

(3) The Board shall specify, in writing, its reasons for any such disapproval. In the event that the hearing is not held or if the Board fails to disapprove the subdivision plat within the time periods prescribed above, the plat shall be deemed approved in accordance with the provisions of § 276 of the Town Law. The time in which the Planning Board must take action may only be extended by mutual consent of the applicant and the Planning Board.

(4) Upon a resolution of approval, a reproducible Mylar and not fewer than four copies of the subdivision plat shall be provided by the applicant and properly signed by the Chair of the Planning Board. The subdivision plat may then be filed by the applicant in the office of the Dutchess County Clerk. Any minor subdivision plat not so filed or recorded within 62 days of the date upon which such plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void.

(5) Conditional approval. If conditional approval is granted, the Planning Board shall empower the Chair of the Planning Board to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be so certified by the Clerk of the Planning Board as conditionally approved, a copy filed in the Planning Board office and a copy so certified mailed to the subdivider. The copy mailed to the subdivider shall include, by attachment of the Planning Board's resolution, a statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the conditions and requirements have been certified as completed within that time. The Planning Board may, however, extend upon written request of the applicant the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for periods of 90 days each.

§ 120-8. Preliminary plat for major subdivisions.

A. Application and fees. Prior to the filing of an application for the approval of a major subdivision plat and within six months of the classification by the Planning Board of the sketch plat of a proposed subdivision as a major subdivision, the property owner or his duly authorized representative shall file an application for consideration of a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form and include all the data prescribed by Article VII, § 120-22, hereof. The preliminary plat shall, in all respects, comply with the requirements of §§ 276 and 277 of the Town Law and this chapter, except where a waiver of any specific requirement may be specifically requested, in writing, from and authorized by the Planning Board. Payment of a nonrefundable fee shall accompany all applications for approval of a preliminary plat for a major subdivision.

B. Purpose.

(1) The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board. Later one copy shall become the official record of the Town Clerk. The preliminary plat and supporting documents shall show the layout of the subdivision and its required improvements, both public and private, so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the final engineering design and detailing of the required improvements and utilities, is completed.

(2) Approval of the preliminary plat does not constitute an approval of the final plat, nor should it be considered a valid basis for the construction of site improvements or other commitments which depend upon its design characteristics, except as may otherwise be specifically authorized by the Planning Board.

(3) The preliminary plat shall additionally serve as a key map to subdivisions subsequently laid out in sections on final plats.

C. Number of copies. The application for approval of the preliminary plat, complete with eight copies of the preliminary plat, shall be filed with the Clerk of the Planning Board at least 10 days prior to the regular meeting of the Planning Board, at which meeting it shall be introduced and considered officially received by the Planning Board for purposes of this chapter. A portion or all of the required copies of the plat and related documents may be submitted electronically to the extent procedures for such submission have been adopted by the Planning Board. A proposed submission which does not include all the required drawings and documents specified within Article VII, § 120-22, of this chapter shall not be accepted by the Clerk of the Planning Board for purposes of assignment to the agenda as a preliminary plat submission.

D. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.

E. Study of preliminary plat. The Planning Board shall study the practicality of the preliminary plat, taking into consideration of the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relationship to the topography of the land, location of prospective homesites, water supply, sewage disposal, drainage, lot areas and configuration, the future development of lands as yet unsubdivided and the requirements of the Master Plan, the Official Map, if one exists, and Chapter 143, Zoning. In its review of the preliminary plat, the Planning Board may consult with its private planning, engineering and legal consultants, as well as other town officials, boards, agencies and departments.

F. Public hearing. Within 62 days of the receipt of the Complete Application for a preliminary subdivision plat by the Planning Board, the Planning Board shall hold a public hearing on such plat. Notice of the public hearing shall be advertised at least once in an officially designated general circulation newspaper of the town at least five days before such hearing. If the Planning Board is serving as lead agency under SEQRA, and if the Planning Board has determined that a DEIS is required, a public hearing shall be held on the DEIS. The public hearing on the DEIS and the public hearing on the subdivision application shall be consolidated and held jointly, in which event the hearing must be advertised at least once in a newspaper of general circulation in the Town at least 14 days prior to the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such plat. The hearing on the plat shall be closed upon a motion of the planning board within 120 days after it has opened, unless extended by mutual consent of the applicant and the Board.

G. Decision on preliminary subdivision plat.

(1) If no DEIS has been required, the Planning Board shall, within 62 days after the close of the public hearing required on such plat, approve, with or without modifications, or disapprove the plat. This time may be extended upon mutual consent of the applicant and the Planning Board.

(2) If a DEIS has been required, the final EIS shall be filed within 45 days following the close of the public hearing in accordance with the provisions of SEQRA. Within 30 days of the filing of such final EIS with the Planning Board, the Planning Board shall issue findings on the final EIS and make its decision on the plat. This time may be extended upon mutual consent of the applicant and the Planning Board.

(3) The Board shall specify, in writing, its reasons for disapproval. Failure of the Planning Board to take action on a preliminary plat within the time prescribed therefore shall be deemed approval of the preliminary plat in accordance with the provisions of § 276 of the Town Law.

(4) When approving a preliminary plat, the Planning Board shall state, in writing, the modifications, if any, it deems necessary for submission of the plat in final form with respect to the specific changes which it will require in the preliminary plat, the extent of waivers which may have been specifically requested and which, in the Planning Board's opinion, may be authorized without jeopardy to the public health, safety and general welfare and the categories of improvement and the estimated amount of all bonds or similar performance guaranties which the Planning Board shall require as a prerequisite to approval of the final plat.

(5) The action of the Planning Board, plus any conditions attached thereto, shall be noted on three copies of the preliminary plat, which notation may occur by attachment of a copy of the Planning Board's resolution. One copy shall be returned to the subdivider, one copy shall be retained by the Planning Board, and one copy shall be forwarded to the Town Board through the Town Clerk. Prior to the approval of the final plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

§ 120-9. Final plat for major subdivisions.

A. Application and fee.

(1) Following approval, with or without modifications, of the preliminary plat, the property owner or his duly authorized representative shall prepare a final plat, together with all other supplementary documents, in accordance with Article VII, § 120-23, of this chapter, which final plat shall specifically address each of the conditions set forth in the preliminary plat approval resolution. The application for final plat approval for a major subdivision or any section thereof shall be accompanied by a processing fee in accordance with the Town's subdivision fee schedule.

(2) The final plat and other supplementary documents shall be filed with the Clerk of the Planning Board, together with a written application for final approval, within 180 days after approval, with or without modifications, of the preliminary plat, unless such time limit is extended by mutual consent of the applicant and the Planning Board.

B. Purpose. The final plat and the supporting documents for a proposed subdivision constitute the complete plans for development of the subdivision proposal. After public hearing, as may be required, and approval by the Planning Board, this complete submission, along with the applicable performance guaranty and the general liability insurance policy, as approved by the Town Board, becomes the basis for the development of the subdivision, the installation of

required improvements and the applicable inspection services by the Planning Board, the designated Town Engineer or other delegated town officials.

C. Number of copies. The application for approval of the final plat, complete with eight copies of the final plat, shall be filed with the Clerk of the Planning Board at least 10 days prior to the regular meeting of the Planning Board, at which meeting it shall be introduced and considered officially received by the Planning Board for purposes of this chapter. A portion or all of the required copies of the plat and related documents may be submitted electronically to the extent procedures for such submission have been adopted by the Planning Board. A proposed submission which does not include all the required drawings and documents specified within Article VII, § 120-23, of this chapter shall not be accepted by the Clerk of the Planning Board for purposes of assignment to the agenda as a final plat submission.

D. Approval procedure.

(1) Within 62 days of the receipt of the final plat by the Planning Board, the Planning Board shall hold a public hearing, if required, on such final plat. Such hearing shall be advertised at least once in an officially designated general circulation newspaper of the town; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Article IV, § 120-8, of this chapter and modified in strict accordance with requirements of such approval, if such preliminary plat has been approved with modifications, the Planning Board may waive by resolution the requirement for such public hearing.

(2) Within 62 days of the close of such public hearing or from the date of receipt of the application by the Clerk of the Planning Board if no such hearing is held, the Planning Board shall act by resolution on the final plat. The Planning Board shall either approve, conditionally approve, with or without modification, or disapprove the final plat. The time in which the Planning Board must take action may only be extended by mutual consent of the owner and the Planning Board. Failure of the Planning Board to take action on a final plat within the time prescribed therefor shall be deemed approval of the plat in accordance with the provisions of § 276 of the Town Law.

(3) Conditional approval.

(a) If conditional approval is granted, the Planning Board shall empower the Chair of the Planning Board to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be so certified by the Clerk of the Planning Board as conditionally approved, a copy filed in the Planning Board office and a certified copy mailed to the subdivider, which shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat.

(b) Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. Upon specific written request by the applicant, the Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for periods of 90 days each.

E. Final approval and filing. Upon completion of the requirements in this section and Article V, §§ 120-12 and 120-13, of this chapter, and notation to that effect upon the subdivision plat, the subdivision plat shall be deemed to warrant final approval. A reproducible Mylar and not fewer than four copies, as provided by the applicant, shall be properly signed by the Chair of the Planning Board upon receipt of notification that the required performance guaranty and liability insurance, as may be requested, have had the approval of the Town Attorney and that the performance guaranty has been accepted by the Town Board. The final plat may then be filed by the applicant in the office of the Dutchess County Clerk. Planning Board approval of a final plat shall not be deemed an acceptance by the town of any street or other land shown as offered for cession to public use and/or ownership.

F. Expiration of approval.

(1) The approval of a final plat shall expire 62 days after the signing of the plat by the Chair of the Planning Board unless filing of the plat is accomplished within that time period in the office of the Dutchess County Clerk in accordance with § 279 of the Town Law.

(2) Expiration of an approval shall mean that any further action shall require submission of a new application, payment of a new filing fee, conduct of an additional public hearing and Planning Board review of all previous findings. On and after such expiration of plat approval, any formal offers of cession which may have been submitted by the subdivider shall be deemed to be invalid, void and of no effect.

G. Filing in sections.

(1) At the time of final plat approval, the Planning Board may permit the plat to be divided into two or more sections subject to any conditions the Board deems necessary to ensure the orderly development of the plat.

(2) In accordance with § 276 of the Town Law, the applicant may file a section of the approved plat with the office of the Dutchess County Clerk, which section shall consist of not fewer than 10 lots nor less than 10% of the total number of lots shown on the approved plat. In this circumstance, plat approval on the remaining sections of the plat shall continue in effect for a period of three years from the filing date of the first section with the Dutchess County Clerk. When a plat is filed by section with the Dutchess County Clerk, the applicant shall, within 30 days, file with the Town Clerk the entire approved plat. The subdivider shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the Dutchess County Clerk and the required improvements have been installed and approved in such section or a satisfactory performance guaranty covering the cost of such improvements has been posted.

§ 120-10. Building permits; certificates of occupancy.

A. Upon the posting of a satisfactory performance guaranty or upon certification of the completion or installation of all required improvements to the satisfaction of the Town Board, in accordance with Article V, § 120-13, of this chapter, and upon Planning Board approval of the final plat, the subdivider or his successor in title may be issued building permits for the construction of buildings in accordance with the approved subdivision plat, Chapter 143, Zoning, and other applicable laws, rules and regulations.

B. In instances where building permits have been authorized upon the posting of a satisfactory performance guaranty, the subdivider or his successor in title may not be subsequently issued certificates of occupancy for any buildings constructed in the subdivision until completion of all required improvements to town standards and upon certification of such as required in Article V, § 120-12, of this chapter. A note to this effect shall be specifically included on the final plat submitted for signature and for filing in the office of the Dutchess County Clerk.

ARTICLE V
Major Subdivisions

§ 120-11. Compliance required.

Any subdivider who proposes to develop a major subdivision in the Town of Red Hook shall comply with the regulations provided in this Article regarding the posting of performance guaranties and the provision or installation of utilities and other required improvements.

§ 120-12. Required improvements.

In making determinations regarding the necessity and extent of the provision and installation of required subdivision improvements, the Planning Board shall take into consideration the prospective character, density and uses within the proposed subdivision, whether residential, institutional, commercial or light industrial.

A. Required improvements. The Planning Board shall require the provision and installation of the following improvements in accordance with the Town Law unless it shall specifically waive, in writing, any such improvements as provided in Article XI, § 120-26, of this chapter:

(1) Parks, playgrounds or other open spaces of adequate size and location for recreational purposes.

(2) Paved streets, roadways, common driveways and driveway aprons.

(3) Street signs and posts.

(4) Pedestrianways.

(5) Streetlighting.

(6) Curbs or gutters.

(7) Street trees and treatment of buffer areas and other required landscaping.

(8) Water supply and fire protection facilities.

(9) Sanitary sewage disposal facilities.

(10) Storm drainage facilities.

(11) Franchise utilities.

(12) Seeding and other means of erosion control for all lands within the subdivision tract, including all lots, common areas and rights-of-way.

(13) Monuments or other acceptable markers suitably placed and installed.

B. Standards for installation. All improvements required by the Planning Board shall be installed in accordance with standards, specifications and procedures acceptable to the appropriate town officials or departments or as provided in this chapter.

C. Modification of the design of improvements shown on the approved plat. If at any time before or during construction of the required improvements shown on the approved plat it is demonstrated to the designated Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the designated Town Engineer may, upon concurrence of the Chair of the Planning Board, authorize minor modifications which are within the spirit and intent of the Planning Board's approval and do not extend to constitute the waiver or substantial alteration of the function of any of the improvements required by the Planning Board. The designated Town Engineer shall issue any such authorization, in writing, and shall transmit a copy thereof to the Clerk of the Planning Board for report to the Planning Board at its next regular meeting.

D. Inspection of improvements.

(1) At least five days prior to commencing the installation of required improvements, the subdivider shall pay to the Town Clerk for purposes of establishing an escrow account the inspection fee required by the Town Board and shall notify the Town Board and the designated Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Town Board may cause such inspection to be made to assure that all town specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities as required by the Planning Board. The inspection fee shall provide reimbursement to the town for actual direct costs incurred for such engineering services, as specified on the subdivision fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board.

(2) In order to facilitate inspection of required improvements during construction, the applicant shall further notify the designated Town Engineer at least three working days before reaching each of the following stages of construction:

(a) Rough grading completed.

(b) Drainage and other underground facilities installed, but prior to backfilling.

(c) After gravel base is spread and compacted.

(d) When each pavement course is being applied.

(e) After completion of all improvements.

(3) The applicant shall not proceed to work on any stage subsequent to the first stage until the work of the previous stage has been inspected and approved by the designated Town

Engineer or a representative who may be duly authorized by the Town Board. In the case of any other improvements, the designated Town Engineer shall inspect the work at such progressive stages as he shall specify. The designated Town Engineer shall certify, in writing, to the Planning Board that the work was inspected and was found to be in accordance with the approved plans and specifications.

E. Proper installation of improvements. If the designated Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance guaranty, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, the Building Inspector and the Planning Board. The Town Board shall then notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the town's rights under the performance guaranty. No further plat approvals shall be granted by the Planning Board to any subdivider as long as the subdivider is in performance default on any previously approved plat within the Town of Red Hook.

§ 120-13. Performance guaranties.

A performance bond or equivalent security shall be delivered to the town to guarantee thereby to the town that the subdivider shall faithfully cause to be constructed and completed within a reasonable time the required improvements and convey the required lands and improvements, where applicable, to the town free and clear of all encumbrances.

A. Procedure. Before the Planning Board grants final approval of the final subdivision plat, the subdivider shall provide to the Clerk of the Planning Board a detailed engineer's cost estimate for all required improvements for review and concurrence by the designated Town Engineer and shall subsequently follow the procedure set forth in either subsection A(1) or (2) herein:

(1) Filing of certified check or performance guaranty.

(a) In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance guaranty to cover the full cost of the required improvements. Any such performance bond or equivalent security shall comply with the requirements of § 277 of the Town Law and, further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year or such other period as the Planning Board may determine appropriate, but not exceeding three years, shall be set forth in the performance bond or equivalent security as the period within which the required improvements must be completed. The subdivider shall additionally file a copy of said certified check or other performance guaranty with the Clerk of the Planning Board.

(b) If the Planning Board shall decide at any time during the term of the performance guaranty that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance guaranty or that required improvements have been installed as provided in this Article and by the Planning Board in sufficient amount to warrant reduction in the face amount of said bond or that the character and extent of such development requires additional improvements previously waived for a period stated at the time of fixing the original terms of such bond or equivalent security, the Planning Board may modify its

requirements for any or all such improvements, and the face value of such performance guaranty shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the performance bond may be reduced or increased proportionately.

(2) The subdivider shall complete all required improvements to the satisfaction of the designated Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a performance bond or certified check covering the costs of such improvements, in addition to the cost of satisfactorily installing any improvements not approved by the designated Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. The subdivider shall additionally file a copy of said certified check or other performance guaranty with the Clerk of the Planning Board.

B. Record drawing required. No required improvements shall be considered to be completed until the installation of the improvements has been approved by the designated Town Engineer and a map certified by the applicant's engineer and satisfactory to the designated Town Engineer and the Planning Board has been submitted indicating the specific location of all underground utilities as actually installed.

C. If the subdivider completes all required improvements according to provisions of subsection A(2) above, then said map shall be submitted prior to endorsement of the final plat by the Planning Board Chair. However, if the subdivider elects to provide a performance guaranty for all required improvements as specified in subsection A(1) above, such bond or equivalent security shall not be released until the required as-built drawing is submitted and deemed satisfactory by the Planning Board.

§ 120-14. Maintenance bonds.

The subdivider shall file with the Town Board a maintenance bond in an amount of 20% of the cost estimate for installation of required improvements and which shall be adequate to assure the satisfactory condition and operation of the initial public improvements for a period of one year following their completion and acceptance, where applicable, by the Town Board. Such maintenance bond shall be satisfactory to the Town Board and Town Attorney as to form, manner of execution and surety and in an amount satisfactory to the designated Town Engineer. The subdivider shall additionally file a copy of said certified check or other performance guaranty with the Clerk of the Planning Board and, as may be applicable, the Town Superintendent of Highways.

§ 120-15. General liability insurance.

A. Filing requirement. The subdivider shall file with the Town Board a general liability insurance policy at the same time that he files his performance guaranty. The policy shall be acceptable to the Town Attorney and designated Town Engineer and shall be in force throughout the term of the performance guaranty and shall be extended in conformance with any extension of the performance guaranty. The subdivider shall additionally file a copy of said policy with the Clerk of the Planning Board and, as may be applicable, the Town Superintendent of Highways.

B. Limits of coverage. The policy shall insure the town and the subdivider and shall cover all operations in the development involving existence and maintenance of property and buildings and contracting operations of every nature involving all public improvements. Said policy shall have limits of liability of $500,000 for bodily injury and/or property damage per occurrence or such higher limits as the Planning Board may require, upon recommendation of the designated Town Engineer and/or Town Attorney.

§ 120-16. Franchise utilities.

A. Service connections. When franchise utilities are to be installed, the subdivider shall submit to the Planning Board written assurances from each public utility company that such company will make the necessary service installations within a time period and according to specifications satisfactory to the Planning Board, which shall include the undergrounding of all on-site and, to the extent practicable, off-site extensions in accordance with rules and regulations promulgated by the New York State Public Service Commission.

B. Easements or other releases. The final plat shall include statements by the owner granting all necessary easements or other releases where required for the installation of franchise utilities.

ARTICLE VI
Design Standards

§ 120-17. Compliance required.

Any subdivider who proposes to develop a subdivision in the Town of Red Hook shall observe all general requirements for land subdivision as herein provided. Conservation subdivisions plats shall also adhere to the supplemental design standards set forth in § 120-18.1.

A. Character of land. Land to be subdivided shall be of such character that, in the opinion of the Planning Board, it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and with a minimum of detrimental effects on the environment.

B. Preservation of any significant existing features. The Planning Board may require in the subdivision design and through the subsequent dedication of conservation easements the preservation of natural features which add value to residential developments and to the community, such as large trees or wooded areas, watercourses and waterfalls, historic or archaeological features and similar irreplaceable assets.

C. Conformance with Chapter 143, Zoning, and Master Plan. Subdivision plats and improvements provided shall conform to Chapter 143, Zoning, and shall be in harmony with the County and Town Master Plans. In addition, as an extension of the Town Master Plan, the subdivision plat shall be consistent with the intent and objectives of the several environmental and cultural protection programs which may be applicable to the proposed subdivision location. These programs include the town's historic and coastal management districts, the Department of Environmental Conservation scenic district and scenic roads programs and any locally or state-designated critical environmental areas.

D. Minimum lot area and dimensions. No lot in a subdivision shall have less than the minimum lot area and other minimum lot dimensions required by Chapter 143, Zoning, for the district in

which it is located unless otherwise provided in Chapter 143, Zoning, or as provided for residential cluster development by Article VIII of this chapter.

E. Plats with access through other municipalities. Whenever access to a subdivision occurs by crossing land in another municipality, the Planning Board may require assurance from said municipality that such access is adequately improved or that a legally adequate performance guaranty has been duly posted and is sufficient in amount to assure the construction of the necessary road or roads.

F. Resubdivision. Resubdivision of all or part of land covered by an existing plat which has been laid out prior to compulsory subdivision plat review, approval and filing shall comply with this chapter as now required. Such resubdivision shall include any change that affects any street layout shown on the plat, area shown thereon reserved for public use or open space purposes or the area or configuration of any lot or parcel shown thereon.

G. Preservation of topsoil. No topsoil shall be removed from any subdivision in the town, except that in areas over which heavy equipment will be operated, the topsoil shall be stripped and stockpiled on the property. When final grades have been established and construction activities have been completed, the entire property shall be suitably graded and, to the extent practicable, recovered with topsoil except that portion of the site covered by buildings or included in the roads.

H. Watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by culverts or other permanent drainage structures. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way not less than 30 feet in width. All such structures and rights-of-way shall be of design and specification approved by the designated Town Engineer and the Town Highway Superintendent.

I. Floodplains. If any portion of the land within the subdivision is subject to periodic inundation or flood hazard caused by stormwater, this portion shall be clearly indicated on any submissions required by this chapter. In cases of doubt, the Planning Board may require the submission of a flood hazard boundary study delineating the limits of the one-hundred-year floodplain. Such study shall be conducted by a licensed professional engineer.

(1) Land subject to flooding and land deemed by the Planning Board to be otherwise uninhabitable shall not be platted for residential or commercial occupancy nor for any such other use that may increase danger to health, life or property or aggravate the flood hazard.

(2) Any subdivision, including all proposed improvements and construction, must comply with Chapter 77, of the Town Code, Flood Damage Prevention, and all further applicable provisions of the National Flood Insurance Act of 1968, including all amendments thereto.

§ 120-18. Design standards.

The subdivider shall additionally conform to all subdivision design standards as herein provided. These standards shall be considered minimum standards and shall be modified or waived by the Planning Board only as specifically provided for in Article X, §§ 120-26 and 120-27, of this chapter.

A. Lots.

(1) Lots to be buildable. The lot arrangement shall be such that, in constructing a building in compliance with Chapter 143, Zoning, there will be no foreseeable prohibitions to development based upon soils, topography or other natural conditions, including the presence of wetlands or floodplain areas.

(2) Corner lots. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the front building setback line on both streets, as well as side yard requirements, for the zoning district in which the lot is located.

(3) Minimum lot dimensions. Each lot shall be no smaller than the minimum lot area, lot frontage and lot width required by Chapter 143, Zoning, for the district in which the lot is located, except in the case of a conservation subdivision,

(4) Driveway grade and design. Driveway grades between the street pavement and the minimum building setback line shall not exceed 10%, with a suitable negative grade provided within 20 feet of the intersecting street pavement. The remainder of the driveway shall be designed and built to afford suitable access to the building site in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code and to prevent adverse impacts from either stormwater drainage or erosion on the public street or roadway.

(5) Access from public streets.

(a) The subdividing of land shall be such as to provide each lot with satisfactory access for routine and emergency purposes from the community's system of public streets and roadways. This access may be provided either directly or, in the case of an approved residential cluster or open space density subdivision, by suitably improved and maintained private streets.

(b) A lot of less than 300 feet frontage fronting on a county or state highway shall be designed so as to share a common curb cut with an adjacent lot if either adjacent lot has not been previously granted a curb cut permit. When more than three lots are proposed to be subdivided from a parcel with frontage on a county or state highway, frontage for all such lots shall be on internal streets, not on the county or state highway. Each lot permitted to front on a county or state highway shall provide for an improved on-site turnaround so as to obviate the necessity of any vehicle from backing onto such highway. Similar provision for on-site turnarounds on town highways shall be encouraged.

(c) Any such common curb cut and/or common driveway shall be subject to reciprocal easements and suitable maintenance agreements which shall be noted by reference on the subdivision plat, reviewed and approved by the Planning Board and recorded in the Dutchess County Clerk's office. Any such common driveway shall be further subject to criteria that may be promulgated by the Planning Board for the design, construction and approval of common driveways.

(6) Access from private streets. Access from privately owned and maintained streets, as may be specifically authorized by the Town Board in accordance with § 280-a of the Town Law, shall be deemed acceptable only if such streets are designed and improved in accordance with

subsection B(5) of this section and means satisfactory to the Planning Board are provided for the long-term ownership and maintenance of said privately owned and maintained streets.

B. Streets.

(1) General objectives. Streets shall be of sufficient width, suitably located and adequately constructed to accommodate the prospective traffic and normal road maintenance equipment. The arrangement of streets shall be coordinated such that the streets compose a convenient system, cause no undue hardship to adjoining properties and render no property inaccessible from an existing street or from a proposed street in a subdivision for which a completion bond or similar performance guaranty has been posted.

(2) Arrangement of streets. To the extent practicable, the arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet subdivided by use of stub streets in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and services. Any stub street or other intended through street shall be constructed wholly to the property line and shall be provided with a temporary turnaround with a pavement radius of at least 50 feet. A note on the subdivision plat shall state that the land included within the turnaround which is outside the normal street right-of-way shall revert to abutters upon continuation of the stub street, with any excess pavement removed and the land area to be suitably regraded and seeded.

(3) Street connections. Subdivisions containing thirteen (13) or more single family lots or, in the case of two-family and multifamily development, 13 or more dwelling units, shall have at least two connections with existing public streets, with streets shown on the town's Official Map, as may be developed in accordance with § 270 of the Town Law, or streets shown on an approved subdivision plat for which a performance bond or similar performance guaranty has been posted.

(4) Cul-de-sac streets.

(a) Cul-de-sac streets shall not be created to provide access to residential lots except in situations where, in the view of the Planning Board, a through street cannot reasonably be provided due to the physical characteristics of the subdivision parcel and adjoining properties. Where a cul-de-sac street is authorized, either as a permanent dead-end street or as a temporary dead-end street pending completion of a through-road network, not more than twelve (12) single-family residential lots may gain access from either the initial development or extension of such cul-de-sac street. In the case of two-family and multifamily development, not more than twelve (12) dwelling units may gain access from either the initial development or extension of such cul-de-sac street.

(b) A cul-de-sac street shall be restricted to a maximum of 7% grade in all zoning districts and to a length of 1,500 feet in the LD Zoning District, 1,200 feet in the RD5 Zoning District, 1,000 feet in the RD3 Zoning District and 820 feet in all other zoning districts.

(c) A turnaround shall be provided at the end of any cul-de-sac or permanent dead-end street. Circular turnarounds shall have a right-of-way radius of at least 40 feet and a pavement radius of at least 30 feet. T- or Y-shaped turnarounds shall have a right-of-way

at least 80 feet by 40 feet and the paved area shall be at least 60 feet by 20 feet. The cul-de-sac street shall otherwise be governed by all stated requirements of the town's Street and Highway Specifications.

(5) Minimum design standards. Streets and related improvements shall be laid out and constructed in accordance with the minimum design standards prescribed in the Town Street and Highway Specifications of the Town of Red Hook, as adopted by the Town Board and incorporated by reference in this chapter.

C. Parks and public open space. Adequate lands for parks and other public open space purposes shall be provided in any subdivision of land for residential purposes throughout the Town of Red Hook.

(1) Amount of land dedicated.

(a) In general, the Planning Board shall require that 10% of the total land area within the subdivision be set aside and shown on the plat for park and open space purposes, including trails and other linkages between neighborhoods. All lands designated on the plat as park or open space must be deemed suitable for this purpose by the Planning Board based upon overall consistency with the Town Master Plan and a site-specific analysis of the lands' topographic, geologic, hydrological and locational characteristics.

(b) The Planning Board may establish such conditions on the subdivision concerning access, use and maintenance of such park and open space lands as deemed necessary to ensure the preservation of the lands, in perpetuity, for their intended purposes. Such conditions shall be clearly noted by the licensed land surveyor and/or professional engineer on the plat prior to final plat approval and subsequent recording of the plat in the office of the Dutchess County Clerk.

(2) Information to be submitted. In the event that an area to be used for park or open space is required to be shown, the subdivider shall submit, prior to final plat approval, to the Planning Board, drawings at a scale of not less than 20 feet to the inch of such area and the following features thereof:

(a) The boundaries of said area, giving lengths and bearings of all straight lines, and radii, lengths, central angles and tangent distances of all curves.

(b) Existing features, such as streams, ponds, clusters of trees, rock outcrops and structures, existing or proposed.

(c) Existing and, if applicable, proposed changes in the grade and contours of said area and of the area immediately adjacent for a distance of not less than 100 feet, with such contours to be at an interval of not more than two feet.

(d) Plans for improvements of said area, not limited to grading, seeding, fencing, landscaping, the provision of play and related equipment and the address of conditions relating to the protection of the public health and safety.

(3) Payment in lieu of dedication. In cases where, because of the size, topography or location of the subdivision or because of the area of the individual lots provided within the subdivision

or of the proposed open space, the requirement for land dedication or reservation for parks and other open space purposes would be deemed unreasonable or undesirable by the Planning Board, the Planning Board shall alternatively require, under § 277 of the Town Law, that a payment be made into a special trust fund for town recreation site acquisition and/or improvement in lieu of such land dedication or reservation within the subdivision. Such payment shall be a condition of approval of the final plat and shall be assessed on a per-lot or per-dwelling-unit basis in accordance with the subdivision fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board. This fee shall not apply to any proposed lot presently developed with a residential structure and legally occupied within the past 12 months for residential purposes. No final plat shall be signed by the Chair of the Planning Board until such payment has been received by the town and receipt thereof provided to the Planning Board.

D. Public improvements and utilities.

(1) Placement. Underground improvements required by the Planning Board in accordance with Article V, § 120-12, and franchise utilities shall be placed where appropriate within the street right-of-way. Where topography makes such placement impracticable, perpetual unobstructed easements at least 20 feet in width shall be provided for along lot frontages abutting the street lines, with satisfactory access to the street. Wherever possible, such easements shall be continuous from block to block and their layout shall be as regular as possible. Subject to the discretion of the Town Board, an underground public improvement or utility operated for revenue by the town or by a special district may be installed by the town in a private street, provided that an easement of satisfactory size is obtained for such improvement or utility. Before the street is paved, the subdivider shall install underground service connections for all required improvements and utilities to the property line of each lot within the subdivision.

(2) Service connections.

(a) Water. Where an appropriate public water main already exists and is physically and legally accessible, the subdivider shall connect into said main and provide a water connection for each lot in accordance with Article 12 of the Town Law, the Public Health Law and other applicable laws, rules and regulations. Where an appropriate water main does not exist or is not accessible, the subdivider shall install at his own expense such main, together with all necessary valves, cutoffs, fire hydrants, pumps, storage tanks, meters and other equipment necessary to make such water system conform to the standards of the town.

(b) Sanitary sewers. Where an appropriate public sanitary sewer system is reasonably accessible physically and legally, the subdivider shall install, at his expense, the necessary connections into the system and provide a sewer connection of each lot.

(c) Storm drainage system.

[1] The subdivider shall install all necessary storm drainage sewers and appurtenant facilities at his expense, in accordance with standards of the town and of all authorities having jurisdiction. Where an appropriate storm drainage system is reasonably accessible, the subdivider shall make proper connection thereto.

[2] Otherwise, the subdivider shall provide appropriate means and methods for stormwater runoff satisfactory to the Planning Board and all other authorities having jurisdiction. In either event, the storm drainage facilities provided shall be fully consistent with storm drainage design standards which may be promulgated and from time to time reviewed and modified by the Planning Board. The drainage system shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside of the subdivision. The designated Town Engineer shall approve the design and size of facilities based on anticipated runoff from a twenty-five-year storm under conditions of total potential development permitted by Chapter 143, Zoning, in the watershed. The cost of a culvert or other drainage facility in excess of that required for the particular subdivision may be deemed to be the responsibility of the town or may be prorated among the upstream property owners.

[3] The subdivider's engineer shall also study and report on the effect of each subdivision on the existing downstream drainage system outside the area of the subdivision, and this report shall be reviewed by the designated Town Engineer. When it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a twenty-five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the plat until provision has been made for the alleviation, to the extent that may be practicable, of said condition.

E. Realignment or widening of existing streets. Where the subdivision borders an existing street proposed for realignment or widening, the Planning Board may require that land be reserved on the subdivision plat to permit the proposed improvement to be carried out. Similarly, the Planning Board shall require in its review of any subdivision plat abutting a user roadway, as defined under § 189 of the Highway Law of the State of New York, the reservation of 24.75 feet from the center line of such user roadway for highway purposes and recommend Town Board acceptance of such land when offered for dedication by the subdivider.

F. Pedestrianways.

(1) Adequate provision shall be made for the convenient and safe movement of pedestrians and bicyclists in any subdivision of land for residential, institutional or commercial purposes throughout the Town of Red Hook. All streets designated as through roads shall have an improved pedestrian path, sidewalk or bikeway provided on at least one side of the street. Any such sidewalk or pedestrian path shall be so placed that there will be a distance of not less than five feet between the sidewalk and the street pavement. A bikeway or combined bicyclist/pedestrian path, not less than four feet in width, may be alternatively situated adjacent to the street pavement and be visually separated therefrom by striping on both its inner and outer edges.

(2) To the extent considered practicable by the Planning Board and in consideration of public health, safety and convenience, the Planning Board may require that additional or alternatively located pedestrianways be provided within a subdivision to provide access to parks or public spaces, school sites, neighborhood shopping facilities or similar destinations. Any such pedestrianway may be situated within either a public right-of-way or established within a suitable easement.

G. Private water supply and sanitary sewage disposal facilities.

(1) Where public water supply and/or sanitary sewage disposal facilities are not available, the Planning Board shall ascertain, as part of subdivision plat review and approval process, that each prospective lot and dwelling unit may be adequately served by acceptable water supply and sanitary sewage disposal facilities and ensure that all such on-site water supply and sanitary sewage disposal facilities shall be designed and installed in accordance with the requirements of the Dutchess County Health Department.

(2) To the extent authorized by the Public Health Law and the Dutchess County Health Department, the Planning Board may, in accordance with Article X of this chapter, waive this requirement for proposed lots in excess of five acres and instead accept a note on the plat advising of applicable Health Department permit requirements which must be met prior to the issuance of a building permit by the Town of Red Hook. As a prerequisite to such waiver, the Planning Board shall require that certification be provided by a licensed professional engineer that an approvable individual sewage disposal system location exists on each of the proposed lots and that it is likely that a suitable individual on-site water supply may also be developed on each of the proposed lots.

(3) The Planning Board shall ensure that the visual impacts of septic systems that cannot be installed subsurface are mitigated to the greatest extent practicable.

H. Street trees. Trees shall be planted on both sides of a newly installed street or roadway in locations approved by the Planning Board except where unnecessary due to the presence of significant, preservable existing vegetation, which shall be specifically identified on the subdivision plat. Street trees shall generally:

(1) Be located near the property line and be spaced approximately 30 feet apart, subject to variations made necessary by driveways and street corners as well as by the species of trees planted.

(2) Have a caliper of three inches or larger measured at breast height and be not less than 10 feet in overall height.

(3) Be approved as to species by the Planning Board.

(4) Be installed and maintained so as to not restrict sight distance for either vehicles or pedestrians.

I. Agricultural buffer. When a parcel of land is proposed for subdivision for residential purposes, the Planning Board may require that buildings on such parcel shall be sited a minimum of 200′ from the property line contiguous to land in the AB District or land in a NYS Certified Agricultural District. The 200′ buffer is a guideline to be applied when appropriate and with flexibility in the case of small lots where provision of a 200′ buffer may not be feasible. The Planning Board may require installation and maintenance of vegetative screening in the buffer area.

120-18.1 Supplemental design standards for conservation subdivisions.

A. Dimensional standards. The dimensional standards set forth in § 143-33D of the Code shall apply to conservation subdivisions.

B. Open space. In exchange for flexibility in the design layout, a conservation subdivision shall permanently preserve a minimum percentage of the tract's total gross acreage as open space. Minimum percentages by Zoning District are set forth in § 143-33D(1) of the Code. Parking areas and roads shall not be included in the calculation of the minimum open space.

C. Permanent protection of open space. Open space shall be permanently protected as provided in § 143-33E of the Zoning Law.

D. Documentation of ownership entity.

(1) If a homeowners association, condominium or other legal entity is proposed, it shall be established to the satisfaction of the Planning Board and its Attorney. Such entities shall be subject to all of the applicable provisions set forth in New York State laws and regulations. The applicant shall provide the Planning Board with a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.

E. Open space standards.

(1) The required open space land consists of a combination of Primary Conservation Areas and Secondary Conservation Areas, as described in § 120-22.1A. Primary Conservation Areas shall be included in the required open space area to the greatest extent practical. The proposed subdivision design shall strictly minimize disturbance of the environmentally sensitive resources of the Primary Conservation Areas, and the applicant shall demonstrate that such features will be protected by the proposed subdivision plan. Secondary Conservation Areas shall be included in the required open space area to the greatest extent practical such that protecting these resources will, in the judgment of the Planning Board, achieve the purposes of this section.

(2) Open space lands shall be laid out in a manner consistent with the Town's *Comprehensive Plan* to better enable an interconnected network of open space and to enable potential connections within the Town's long-range open space and trail networks as reflected in its adopted Open Space Plan, Official Map, and Trails Map, if any.

(3) Active agricultural land and associated agricultural buildings may be used to meet the minimum required open space land. The Planning Board may require that land used for agricultural purposes be buffered from residential dwellings, either bordering or within the tract, by a 200′ setback The 200′ buffer is a guideline to be applied when appropriate and with flexibility in the case of small lots where provision of a 200′ buffer may not be feasible. The Planning Board may require installation and maintenance of vegetative screening in the buffer area.

(4) Open space land should generally remain undivided. No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, village greens, play areas, recreation facilities, drainage-ways

leading directly to streams, historic sites or unique natural features requiring common ownership protection.

(5) A portion of a house lot may only be used for meeting the minimum required open space land if permitted by the Planning Board, and only if such portion is permanently protected with a conservation easement in accordance with § 143-33E of the Town Code.

F. Recreation needs. In addition to the required open space, up to ten (10) percent of the total acreage may be required to be set aside for recreational use to meet the recreational needs of the residents of the proposed subdivision in accordance with § 120-18(C) of the Code. Subject to acceptance by the Town Board, land may be deeded to the Town for recreational purposes. This acreage may be used to provide potential connections within the Town's long-range trail network or for other recreational needs of the Town. Where such set aside or dedication of land is not deemed appropriate, a recreation fee in lieu of land, as set forth in the Town's fee schedule, shall be imposed to accommodate the foreseeable recreational needs of the proposed subdivision's residents. The Planning Board may determine whether the required open space meets all or some of the recreational needs pursuant to § 120-18C.

G. House lot standards. Development areas for the location of house lots include the necessary building envelope for each dwelling unit, constituting the remaining lands of the tract outside of the designated open space areas. House lots shall be designed in accordance with the following standards:

(1) House lots shall be located so as not to encroach upon Primary Conservation Areas and in accordance with Step 4 of the four-step design process set forth in § 120-22.1 and illustrated in Appendix A.

(2) Views of house lots from existing roads shall be minimized by changes in topography, existing vegetation, or additional landscaping.

(3) House lots shall generally be accessed from interior streets, rather than from roads bordering the tract. New intersections with existing public roads shall be minimized. Although two access ways into and out of subdivisions containing more than twelve (12) dwellings are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unreasonably disrupt traffic flow or unduly impact the environment.

(4) Setbacks for wells. If active agricultural lands constitute the open space, the minimum setback for wells from such active agricultural lands shall be 100 feet.

H. Streets and driveways.

(1) Common driveway access may be provided to serve up to four (4) dwellings. Common driveways should be 16 feet wide or, at a minimum, provide for vehicle pull-offs that are 16 feet in width at intervals no less than every 500 feet.

(2) Streets shall meet the Town Highway Specifications, unless an Open Development Area is established in accordance with § 280-a of the Town Law.

(3) New streets should align with existing intersections where possible.

(4) From an aesthetic and speed control perspective, curving roads are preferred in an informal rural conservation subdivision to avoid long straight segments. Shorter straight segments connected by 90 degree and 135 degree bends are preferred in a more formal or traditional arrangement in hamlets and adjacent to villages.

(5) Whenever appropriate, street systems should produce terminal vistas of open space in accordance with the conservation emphasis of the subdivision design and to positively contribute to the Town's open space goals.

(6) Single-loaded streets are encouraged alongside conservation areas to provide views of the conservation lands for residents and visitors.

(7) Street trees may be required, depending upon the open or wooded character of the parcel, in accordance with § 120-18H of the Town Code and survivability shall be assured in accordance with § 120-14.

(8) A pedestrian circulation and/or trail system shall be designated and installed sufficient for the needs of residents, as deemed practical by the Planning Board

I. The Town of Red Hook encourages shared or community sanitary sewage disposal systems for conservation subdivision developments. Such systems may be located in the required open space lands provided such areas are not paved or covered with other impervious surfaces. Sanitary sewage disposal systems of an individual nature may also be located within or extend into required open space areas. Regardless of the type of subsurface sewage disposal methods employed, all required separation distances shall be observed and the ownership and maintenance responsibilities associated therewith shall be clearly defined in agreements submitted for approval as part of the subdivision application. No application shall be approved that does not provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewage disposal facilities on a continuing basis. This may include the creation of a special district under New York State Town Law or County Law.

ARTICLE VII
Submission Requirements

§ 120-19. Compliance required.

Any subdivider who proposes to develop a subdivision in the Town of Red Hook shall submit plats and other documents for approval as provided in this Article.

§ 120-19.1. Resource Analysis Map. Prior to a submission of a sketch plat for a major subdivision, or when otherwise required by the Planning Board, an applicant must submit a Resource Analysis Map and participate in a discussion with the Planning Board to determine a conceptual plan for the proposed subdivision. The submission shall include an identification of the site's assets and liabilities. This will provide an opportunity for the owner and public review bodies to discuss the development, areas planned to remain undeveloped, and general access alignment. The pre-application process is required to assure that Town development goals are recognized as they may apply to the site in question.

A. The Resource Analysis Map shall contain the following information:

(1) A map of the entire holding indicating the location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.

(2) Any subdivision plat(s) for the subject lands previously filed in the Dutchess County Clerk's Office.

(3) The proposed subdivision name or identifying title, and the words "Town of Red Hook, Dutchess County, New York"

(4) The name of the property owner(s) and the authorized applicant, if different from the property owner(s).

(5) Aerial map at a scale of one inch equals four hundred feet (1" = 400'), showing the relationship of the subject property within its neighborhood context, including natural and built features existing within 2,000 feet of the site. These features shall include topography, with steep slopes specifically identified, and streams (from USGS maps), soil types, wetlands, 100-year floodplains, woodlands over one-half (½) acre in area and other significant vegetation, hedgerows, stonewalls, ridgelines, rock outcrops, potential wildlife habitats, cultural resources, viewsheds, existing structures and related infrastructure, public roads and trails that are in public use or are proposed on the Town of Red Hook Trails Map, existing easements and rights-of-way, and public land. This information may be acquired through various readily available sources. This list is a preliminary step in identifying natural features and is subject to modification and interpretation of the reviewing bodies.

(6) General subdivision information necessary to explain and/or supplement the Aerial Map.

§ 120-20. Minor subdivision plat.

A. The completed subdivision application form, receipt for payment of the required application fee as specified by Article IV, § 120-7, of this chapter and eight copies of the proposed subdivision plat certified by a licensed land surveyor, bearing the Planning Board's assigned case number, including individual stamp/signature blocks for the Town Planning Board and the Dutchess County Health Department, and suitable for filing in the office of the Dutchess County Clerk shall be submitted. A portion or all of the required copies of the plat and related documents may be submitted electronically to the extent procedures for such submission have been adopted by the Planning Board. The subdivision plat Mylar shall bear no erasures and shall be of a sheet size not exceeding 36 inches by 42 inches.

B. In the case of a minor subdivision only, the subdivision plat application shall minimally include the following information:

(1) An area map, showing the location of the portion of the tract which is to be subdivided in relation to the entire tract and showing the distance to the nearest street intersection. The drawing of the entire tract may be by either deed plot or actual survey.

(2) An actual field survey of the boundary lines of the tract or portion thereof being subdivided, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Board and shall be referenced and

shown on the plat. The Planning Board may modify the requirement for a full field survey pursuant to Article X, § 120-27, of this chapter.

(3) Information concerning significant physical features of the tract, including specific identification of those portions of the land within the subdivision subject to periodic inundation by floodwaters or in a wetlands area, whether or not large enough in land area to be so designated by the New York State Department of Environmental Conservation.

(4) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

(5) Documentation regarding all easements, existing or proposed, which either affect or are intended to affect any portion of the subdivision plat.

(6) Documentation regarding the presence of a certified agricultural district, a state-designated historic or scenic district or an overlay district set forth in Chapter 143, Zoning, which overlaps all or a portion of the tract.

(7) All on-site sanitation and water supply facilities designed to meet the minimum specifications of the Dutchess County Department of Health. Written endorsement of the subdivision plat by the Dutchess County Health Department must precede final stamping and signature by the Planning Board if any of the proposed lots is less than five acres in land area. In all other cases, a note shall be placed upon the plat indicating that an individual water supply and sanitary sewage disposal system permit must be issued by the Department of Health for any lot prior to the issuance of a building permit for that lot and certification shall be provided by a licensed professional engineer that an approvable individual sanitary sewage disposal system location exists on each of the proposed lots and that it is likely that a suitable individual on-site water supply may also be developed on each of the proposed lots.

(8) The proposed subdivision name, Town of Red Hook, Dutchess County, New York.

(9) The date, North arrow, map scale, name and address of record owner and subdivider.

(10) Either a full or short environmental assessment form (EAF), as required by that portion of SEQR regulations pertaining to the classification of intended actions as either Type 1 or unlisted.

(11) Information, where pertinent, regarding the location and use of all existing buildings or other structures on the tract being subdivided and the current use of open land area to the extent necessary to establish the effect of the proposed subdivision on any building or other structures or uses that are either currently noncomplying or nonconforming under Chapter 143, Zoning, of the Town of Red Hook, or would become noncomplying or nonconforming as a result of the intended subdivision.

(12) Copies of any related permit applications required for approval of the subdivision, e.g., a New York State Department of Environmental Conservation or United States Army Corps of Engineers wetlands permit, a Department of Environmental Conservation stream crossing or stream disturbance permit or a New York State Department of Transportation or Dutchess County Department of Public Works highway access or work permit.

(13) Any additional requirements deemed necessary by the Planning Board due to the unique circumstances of the subdivision plat, including the submission of additional data more typically required for a major subdivision plat.

C. Minor conservation subdivisions shall also demonstrate compliance with § 120-22.1.

§ 120-21. Sketch plat for major subdivision.

The sketch plat initially submitted to the Planning Board shall be based on real property Tax Map information or some similarly accurate base map at a scale of not less than 100 feet to an inch. The entire sketch plat shall be shown on one sheet not exceeding thirty-six by forty-two (36 x 42) inches and shall minimally present the following information:

A. The proposed subdivision name.

B. A vicinity or area map, showing the location of that portion of the tract which is to be subdivided in relation to the entire tract and the distance to the nearest street intersection. All streets shall also be shown within 500 feet of the applicant's property.

C. The information required in § 120-19.1A(5) within the portion of the tract to be subdivided and within 200 feet thereof. All elevations are to be referred to United States Geological Survey datum, with the location and description of pertinent bench marks included.

D. The name of the owner and of all adjoining property owners and others within 200 feet, as disclosed by the most recent town assessment records. Property owners across the street are also to be shown.

E. The real property Tax Map sheet, block and lot numbers, as available from the Town Assessor's office.

F. Existing utilities and all streets, whether public or private, which are either proposed, mapped or built.

G. The proposed pattern and number of lots, including approximate lot areas, widths and depths; street layout; recreation areas; and systems of drainage, sewerage and water supply within the subdivided area.

H. Information regarding all existing restrictions on the use of land, including easements, covenants and location of zoning district boundaries.

I. Documentation regarding the presence of a certified agricultural district, a state-designated historic or scenic district or an overlay district set forth in Chapter 143, Zoning, which overlaps all or a portion of the tract.

J. Delineation of all portions of the land within the subdivision subject to periodic inundation of flooding by stormwater, including wetlands areas, whether or not classified as designated wetlands by the New York State Department of Environmental Conservation.

K. As may be applicable, a conceptual engineering report discussing the demands of the proposed subdivision on water, sanitary sewage, storm drainage, highways and related systems and

discussing the methods through which these demands may be accommodated and the methods through which any potentially adverse impacts may be mitigated, including discussion of alternatives as may be appropriate.

L. Information on all county, state or federal permits required for subdivision plat approval.

M. Information, where pertinent, regarding the location and use of all existing buildings or other structures on the tract being subdivided and the current use of open land area to the extent necessary to establish the effect of the proposed subdivision on any building or other structures or uses that are either currently noncomplying or nonconforming under Chapter 143, Zoning, of the Town of Red Hook, or would become noncomplying or nonconforming as a result of the intended subdivision.

N. A Full Environmental Assessment Form (EAF).

§ 120-21.1 Supplemental sketch plat requirements for conservation subdivisions.

A. Schematic Layout indicating a general concept for land conservation and development, including building locations, parking lots and greenspaces. "Bubble" format is acceptable for the delineation of development areas, as shown on Figure 1 in Appendix A.

B. Yield plan. The applicant shall submit a yield plan in accordance with § 143-33C of the Town's Zoning Law using one of the following methods:

(1) Formula method yield plan. The Planning Board's determination as to the permitted number of lots may be based upon an analysis as follows: a) Determine the buildable acreage of the parcel(s) in accordance with § 143-23 of the Zoning Law; b) Deduct ten (10) percent from the net acreage of buildable acreage as an allowance for roads, drainage features, and lot shape irregularities; c) Divide the remaining net acreage by the minimum lot size for a conventional subdivision in the district. For lots in more than one district, the permitted number of dwelling units for land in each district shall be computed separately, but the units may be located in the manner that best fits the character of the land. This formula method is intended to simulate, in a more efficient manner, the lot count that would result from preparing a conventional engineered yield plan for the same property.

(2) Engineered yield plan. Nothing shall preclude an applicant from submitting an engineered yield plan. An engineered yield plan is a conventional subdivision sketch plat which meets all bulk standards for the zoning district in which the lot is located and designed so that no waivers or variances from any provisions of the Town Code would be necessary. The engineered yield plan shall be realistic and must not show potential house sites or streets in areas that would not ordinarily be permitted in a conventional subdivision. If necessary, the Planning Board may require the applicant to provide an analysis of potential compatibility or incompatibility of the yield plan with the *"Standards for Issuance of Permits and Letters of Permission"* found in 6 NYCRR 663.5 when sites involve State protected freshwater wetlands or other resources for which discretionary permits would be required. The engineered yield plan must depict:

(a) Proposed lots, streets, rights-of-way and other pertinent features.

(b) Percolation and deep tests for each lot, and conceptual drainage design.

(c) Platting shall be restricted to those portions of the site which are considered by the Planning Board to be suitable for residential development, based on an analysis of the site's topographic, geologic and hydrological characteristics. Any lands that are subject to flooding or are comprised of wetlands, streams or steep slopes shall not be considered suitable for building development for the purposes of this analysis.

(d) Where active agricultural lands are proposed for continuation within open space lands, soil testing may be reduced for homogenous soils that are classified within soil group 1-3 (prime farmland soils) and soil group 4-6 (soils of statewide importance) by the U.S. Department of Agriculture Soil Conservation Service.

C. The maximum number of units, whether derived from the formula method or an engineered yield plan, shall not be considered an entitlement. The applicant must also demonstrate compliance with all applicable criteria and standards of the Zoning Law, Subdivision Law, and other applicable laws and regulations. These requirements may result in an actual approvable unit count that is less than the maximum allowed above.

§ 120-22. Preliminary plat for major subdivisions.

A. The completed subdivision application form, receipt for payment of required application fee as specified in Article IV, § 120-8, of this chapter and eight copies of the preliminary plat certified to by a licensed land surveyor and a professional engineer, as required by law, at a scale of not more than 100 but preferably not less than 50 feet to an inch shall be submitted. The preliminary plat sheet size shall not exceed thirty-six by forty-two (36 x 42) inches. A portion or all of the required copies of the plat and related documents may be submitted electronically to the extent procedures for such submission have been adopted by the Planning Board.

B. The preliminary plat shall minimally include, to the extent applicable, all information identified below:

(1) Information on existing site conditions as follows:

(a) An actual field survey of the boundary lines of the tract or portion thereof to be subdivided, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments of such size and type as approved by the Town Planning Board and shall be referenced and shown on the plat.

(b) Street rights-of-way on the subdivision and within 200 feet of its boundaries, including the name and right-of-way width and location; the type, width and elevation of surface; and any legally established center-line elevations, including those at intersections and other critical points.

(c) The location, width, identification, purpose and restrictions upon any other rights-of-way and easements on the subdivision.

(d) Drainage structures on the subdivision and within 200 feet of its boundaries, including the type of structure and location, invert elevations, gradients, types and sizes of all pipe and all other drainage structures where applicable, including direction of flow.

(e) The location and size or capacity of all other structures, such as sewer, water, gas mains and power lines, on the subdivision and within 200 feet of its boundaries.

(f) As contours affect proposed improvements or existing improvements that will be utilized, ground elevations on the tract based on a datum plane approved by the designated Town Engineer. For land with a slope that is less than approximately 2%, spot elevations should be shown at all breaks in grade, along all drainage channels or swales and at selected points not more than 100 feet apart in all directions; for land that slopes more than 2%, contours should be shown at intervals of not more than two feet or as otherwise required by the Planning Board, either from actual field survey or aerial photography. The topographic source, method and datum should be specifically noted on the plat.

(g) Marshes, ponds, streams, wetlands, and all land subject to periodic or occasional flooding or similar unstable conditions on the subdivision or within 200 feet of its boundaries. Indicated shall be the location, approximate land area, high-water level based on the one-hundred-year storm and maximum depth of water at critical points.

(h) The location of rock outcrops, ridgelines, structures, stone walls and other significant existing features for the proposed subdivision area and within 200 feet thereof.

(i) Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, old field, hedgerow, woodland and wetland, isolated trees with a caliper in excess of twelve (12) inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.

(j) Locations of all historic and cultural resources on the tract and any abutting tract.

(k) Locations of wildlife habitats.

(l) Trails that are in public use or are proposed on the Town of Red Hook Trails Map.

(m) Viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.

(n) Map and tabular data regarding soils characteristics from the United States Department of Agriculture Soil Conservation Service soils survey.

(o) If the proposed subdivision will not be served by common sewage disposal facilities, subsurface data in accordance with Dutchess County Health Department requirements, including the date, location and graphic representation of findings for all test holes, including the location and results of percolation and other tests to ascertain subsurface soil, rock and groundwater conditions and depth of groundwater, unless pits have been demonstrated to be dry at a depth of six feet.

(2) Information on proposed site development as follows:

(a) Streets.

[1] The name, to be checked prior to submission with the Town Clerk to avoid duplication and subject to subsequent approval of the Town Planning Board.

[2] The width and location of any streets or public ways or places shown on the town's Official Map within the area to be subdivided, together with profiles of all streets or public ways proposed by the developer.

[3] The right-of-way width.

[4] The tentative center-line elevations at intersections and at principal changes in gradient.

[5] The tentative center-line gradient shown in percent of slope.

[6] The computed sight distance at all proposed intersections and other critical points.

[7] Plans and cross sections, showing, as applicable, the proposed location and type of pedestrian walkways; streetlighting standards; street trees; curbs; water mains, sanitary sewers and storm drains and the size and type thereof; the character, width and depth of pavements and subbase; and the location of manholes, basins and underground conduits.

[8] Preliminary designs of any bridges which may be required.

(b) Lot layout.

[1] Lot lines and dimensions scaled to the nearest foot.

[2] The proposed location of buildings and driveways in full accordance with Chapter 143, Zoning, and other regulations and requirements.

[3] Lot numbers and lot areas measured to the nearest 100 square feet if less than one acre or nearest one-tenth (0.1) of an acre for parcels greater than one acre.

(c) Easements, parks, restricted areas and other improvements.

[1] Designation of areas of rights-of-way which are to be offered for public dedication or deeded to homeowners' associations or other private corporations, with clear indication of proposed changes in grades and landscaping thereon. The Board may require special recreational improvements and planting of trees, shrubs, grass and other landscaping in all areas to be so dedicated.

(d) Preliminary stormwater drainage system plan.

[1] Drainage structures, indicating the approximate location and size of proposed lines and culverts and their profiles, including connection to existing storm system or alternate means of disposal.

[2] An outline of those watersheds tributary to drainage structures and their approximate area in acres, including those which extend beyond the boundaries of the subdivision.

(e) Preliminary water supply and sanitary sewage treatment systems. If public or other common facilities are available or to be provided, the approximate location, size and profiles of all proposed waterlines, valves, hydrants and sanitary sewer lines, including connection to existing facilities as required and provided in the Public Health Law. If private on-site facilities are provided, design data consistent with the requirements of the Dutchess County Health Department shall be included.

(f) Easements. Where the topography is such as to make difficult the inclusion of any of the required facilities and improvements within the public areas as laid out, the boundaries of proposed permanent easements over or under private property shall be shown.

(g) Covenants, deed restrictions and other agreements.

[1] A copy of all covenants, deed restrictions or conservation easements which either presently affect or are intended to apply to all or part of the tract.

(h) Temporary stakes or markers. The Planning Board may require the location of temporary stakes or markers adequate to enable the Planning Board and its consultants to locate readily and appraise the basic layout in the field, including markers at the corners of the tract. Unless the subdivision is adjacent to an existing street intersection, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.

(3) A preliminary engineering report, detailing the demands of the proposed subdivision on water, sewer, drainage, highways and related systems and detailing the methods through which these demands shall be accommodated and the methods, including available alternatives, through which any potentially adverse impacts shall be mitigated. Accompanying the preliminary engineering report shall be preliminary design plans for all required improvements, except franchise utility lines, within the subdivision.

(4) Additional data as may be required to complete the state environmental quality review process, as initiated with submission of the environmental assessment form at the sketch plat phase.

(5) Information regarding the status of all applications for county, state or federal permits which may be required, e.g., a New York State Department of Environmental Conservation or United States Army Corps of Engineers wetlands permit, a Department of Environmental Conservation stream crossing or stream disturbance permit or a New York State Department of Transportation or Dutchess County Department of Public Works highway access or work permit.

(6) A preliminary soil and erosion control plan in accordance with the Dutchess County Soil Conservation Service Sediment and Erosion Control Manual.

§ 120-22.1. Supplemental plat requirements for conservation subdivisions.

A. A conservation subdivision plan shall include the following elements in addition to those provided for in § 120-22 above.

(1) Identification of the proposed qualified easement holder, if applicable.

(2) Four-Step Design Process. All preliminary plats shall include documentation of a four-step design process in determining the layout of proposed greenspace, streets, house sites and lot lines, as described and illustrated in this section and in *Greenway Guide A1*. Documentation of the design process is achieved by preparing a separate sheet/plan for each step and then preparing a plan which shows the culmination of the four processes.

(a) Step 1. Delineation of Open Space. Proposed open space areas shall be designated using the Resource Analysis Map as a base map. The Town's Comprehensive Plan and Open Space Plan shall also be taken into account.

[1] Primary Conservation Areas shall be delineated comprising unbuildable natural features as listed in § 143-23 of the Code, as shown by example in Figure 1 in Appendix A of this chapter. For lands regulated by §143-39.1 within the AB District, the additional siting requirements found in § 143-39.1G shall be followed in the design process.

[2] Secondary Conservation Areas shall be delineated comprising special features of the property such as important farmland, groves of mature trees, large individual trees, woodlands along roadways and property lines, riparian areas adjacent to streams, visually prominent agricultural landscape features such as fields, pastures and meadows on knolls and hilltops, stone walls, hedgerows, historic or cultural resources, habitats of endangered or threatened species, scenic viewsheds, trails, and similar irreplaceable assets, as shown in Figure 1. The applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed open space, in consultation with the Planning Board. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for open space lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

[3] Calculations shall be provided indicating the applicant's compliance with the acreage requirements for open space areas on the tract in conformance with § 143-33D of the Code.

(b) Step 2: Alignment of Streets and Trails. Based upon a review of the sketch plat, the Planning Board, in consultation with the Highway Superintendent, will decide the appropriate street type for the project. A street plan, as shown in Figure 2 in Appendix A of this chapter, shall be designed bearing a logical relationship to topographic conditions and minimizing impacts on proposed open space, particularly with respect to crossing environmentally sensitive areas such as wetlands and important farmlands, and traversing slopes exceeding 15 percent. Existing and future street connections are strongly recommended to create an interconnected street system that facilitates access to and from homes in different parts of the tract and adjoining parcels, and to eliminate new cul-de-sacs. Cul-de-sacs are not allowed unless they are required by unique natural features on the site or they support greater open space conservation or provide extensive pedestrian linkages. Connecting to the existing street and sidewalk networks is of particular importance in hamlets and adjacent to villages.

(c) Step 3: Location of House Sites. Potential house sites shall next be located, as shown in Figure 3 in Appendix A of this chapter, using the proposed open space lands as a base map as well as other relevant data on the Resource Analysis Map such as topography and soils. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential adverse impacts of development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

(d) Step 4: Drawing In the Lot Lines. Finally, lot lines are drawn as required to delineate the boundaries of individual residential lots, as shown in Figure 4 in Appendix A of this chapter.

§ 120-23. Final plat for major subdivisions.

A. The completed subdivision application form, receipt for payment of the required application fee, as specified by Article IV, § 120-9, of this chapter, a reproducible Mylar and eight copies of the final plat certified by both a licensed land surveyor and a professional engineer, as required by law, at a scale of not more than 100 but preferably not less than 50 feet to an inch shall be submitted. A portion or all of the required copies of the final plat and related documents may be submitted electronically to the extent procedures for such submission have been adopted by the Planning Board. The final plat shall bear the Planning Board's assigned case number, include individual stamp/signature blocks for the Town Planning Board and the Dutchess County Health Department, and be suitable for filing in the office of the Dutchess County Clerk. The final plat Mylar shall bear no erasures and shall be of a sheet size not exceeding thirty-six by forty-two (36 x 42) inches.

B. To the extent applicable, the following information will be minimally submitted for approval and shall constitute a final plat:

(1) The lot map of the entire subdivision shall be the same as that required on the preliminary plat, with the following additions:

(a) Lot layout.

[1] Individual lot identification by a suitable system of consecutive numbers.

[2] Lot lines with accurate dimensions to the nearest tenth of a foot and bearings to the nearest five seconds.

[3] Lot areas for each lot measured accurately to the nearest 100 square feet for lots of one acre or less and to the nearest one-tenth (0.1) acre for lots greater than one acre.

[4] Minimum building setback lines, if imposed beyond the applicable or underlying zoning district requirements through either deed restriction or pertinent overlay district requirements, shown and dimensioned.

(2) Survey data.

(a) Accurate tract boundary lines with bearings and distances.

(b) Survey tie-ins, with accurate bearings and distances to nearest established street monuments or other official monuments, which are within reasonable distance of the property. When referenced to the state system of plane coordinates, such monuments shall also conform to the requirements of the New York State Department of Transportation. The monuments shall further be placed as required by the designated Town Engineer and their location noted and referenced upon the plat.

(c) Special district boundaries, e.g., water or sanitary sewage, as affect the subdivision, referenced to the subdivision survey by accurate bearings and distances.

(d) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.

(e) Accurate dimensions to the nearest tenth of a foot.

(f) Monuments and markers:

[1] The accurate location of all monuments, whether existing, proposed or to be reset shall be indicated.

[2] Monuments or other suitable markers shall be of a type approved by the designated Town Engineer and shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curve and such intermediate points as may be required by the Planning Board and/or the Town Street and Highway Specifications.

(3) Required improvement plans and profiles.

(a) The amount of all performance guaranties and conduct of all required inspections shall be based on these drawings, the final plat itself, this chapter and other applicable town specifications for such required improvements and utilities.

(b) Unless a specific waiver is requested and granted, in writing, by the Planning Board, the proposed improvements and utilities shall be considered to comply specifically with this chapter and the other applicable town specifications for such improvements and utilities.

(c) Basic drawing layout requirements are the same as those required for the preliminary plat and shall also include rights-of-way, gradients and directional arrows downhill.

(d) Designs for waterlines, sanitary sewers, streets, bridges and drainage facilities and structures shall be prepared by a licensed professional engineer.

(e) The complete drainage system for the entire subdivision, with appropriate development staging for each of the final plat sections, shall be shown graphically and related to all existing drainage features.

(f) Utility system requirements.

[1] Water supply and distribution.

[a] The location of the source on the property or, where piped in, the size of the supply main.

[b] The location and size of all distribution mains.

[c] The location of fire hydrants.

[d] The location of control valves.

[2] Sanitary waste disposal systems.

[a] Sanitary sewer system design shall be indicated in all cases where public or private sewer connections exist or are proposed.

[b] Typical lot layout, indicating the location of the individual system, where appropriate, with reference to house and water supply, and detailed drawing of proposed sanitary waste disposal system shall be shown.

[3] The location of electric, telephone, cable television, gas and other energy-related lines.

[4] The location and description of streetlighting.

(g) Profile drawing requirements.

[1] Drawings shall be prepared with a horizontal scale of one inch equals 50 feet and a vertical scale of one inch equals 10 feet, unless otherwise approved by the Planning Board.

[2] All profiles shall show the existing natural grades, the typical cross section of existing or proposed roads, the center lines of intersecting roads and a system of survey stations.

[3] The center-line profile of all proposed roads with dimensions on vertical curves and notations as to gradient and critical elevations.

[4] Detailed plans for bridges, culverts or similar structures.

[5] The invert profile and location of all storm and sanitary drainage structures (manholes, catch basins, etc.) in street rights-of-way, drainage or other easements.

(h) Recreation and community improvements. Landscape plans prepared by a registered landscape architect, indicating proposed changes in existing grades and landscaping, including the following items: play areas, walkways, incidental shelters, lighting, walls, new trees and shrubs (location, caliper and botanical name) and other required improvements.

(i) Final engineering report.

(j) A final soil and erosion control plan in accordance with the Dutchess County Soil Conservation Service Sediment and Erosion Control Manual.

(4) Certifications.

(a) Certification of title showing that the applicant is the owner or duly authorized agent of the owner.

(b) Written offers of cession to the town for all proposed public streets, rights-of-way, easements and open spaces shown on the subdivision plat and copies of agreements or other documents showing the manner in which open spaces, title of which is reserved by the subdivider, are to be maintained. All offers of cession and covenants governing the maintenance of unceded open space shall be reviewed by the Town Attorney as to their legal sufficiency.

(c) A certificate issued by the designated Town Engineer stating that the subdivider has complied with one or both of the following alternatives with regard to the installation of all required improvements within the subdivision:

[1] All or part of the improvements have been installed in accordance with the requirements of this chapter and with the action of the Planning Board granting approval of the preliminary plat.

[2] A performance bond or equivalent security has been posted available to the town in sufficient amount to assure completion of all required improvements.

(d) Protective covenants and other appropriate devices in form for recording in the Dutchess County Clerk's office.

(e) Letters directed to the Chair of the Planning Board and signed by a responsible official of any governmental authority or district which must provide necessary utility service, approving the utility installation design and assuring that adequate service will be available to accommodate the needs of the subdivision. Assurance shall also be provided that the long-term ownership and maintenance of any such utilities shall be provided in accordance with Article 12 of the Town Law or similarly acceptable mechanism.

(f) A letter, in appropriate cases, directed to the Chair of the Planning Board, signed by a responsible official of the State Department of Transportation or the Dutchess County Department of Public Works, approving a proposed construction and access on state or county rights-of-way, respectively. If access or construction affects a town highway, approval of the Town Highway Superintendent shall be similarly required.

(g) To the extent required by the Public Health Law and the Dutchess County Sanitary Code, endorsement and approval by the Dutchess County Health Department of the plans for all water supply and sanitary sewage disposal facilities shown on the final plat. If Dutchess County Health Department approval is not required, certification by a licensed professional engineer that an approvable individual sewage disposal system location exists on each of the proposed lots and that it is likely that a suitable individual on-site water supply may also be developed on each of the proposed lots.

(h) A memorandum and copies of related documentation establishing on a point-by-point basis specific compliance with each of the conditions stated within the preliminary plat approval resolution, including a copy of all necessary permits from county, state or

federal agencies which may be required due to the particular circumstances of the subdivision and the nature and location of the intended improvements.

ARTICLE VIII
Reserved

§ 120-24. Reserved.

ARTICLE IX
Open Space Density Subdivisions

§ 120-25. Standards; procedure.

Pursuant to the resolution of the Town Board, the Planning Board is further empowered to modify to the extent provided within Chapter 143, Zoning, applicable provisions of said law for the purpose of encouraging the preservation of large tracts of open space by affording flexibility to landowners in road layout and design and road frontage requirements if and only if such landowners commit to the permanent preservation of significant open space resources beyond applicable zoning district requirements. The following shall be the standards and procedure utilized by the Planning Board in reviewing applications for approval of a open space density subdivision within the Town of Red Hook.

A. Location. An open space density subdivision may only be created in the RD3, RD5 or LD Zoning Districts.

B. Minimum lot area. An open space density subdivision shall require a minimum lot area of nine acres within the RD3 District and a minimum lot area of 15 acres within the RD5 and LD Districts. All lots created within an open space density subdivision shall be permanently restricted by conservation easement from further subdivision and shall, by virtue of the expressed language of said easement, be restricted to the development of one single-family dwelling unit and authorized accessory structures and uses per approved lot.

C. Maximum number of lots. The maximum number of lots within an open space density subdivision shall be eight.

D. Conditions for waiver of road frontage requirements and authorization of private roads. In an open space density subdivision, the Planning Board may waive the requirement for lot frontage on a public road and may permit the construction of private roads to lesser specifications than normally required for town roads, provided that the following conditions are met:

   (1) All road designs must be approved by the Planning Board and the designated Town Engineer. Specifications for such private roads shall be adequate to service the maximum number of lots that can be developed on such roads, as provided on the plat and through the restrictions on future subdivision. Unpaved private roads may be permitted, provided that all other Town Street and Highway Specifications, except those related to the pavement surface and pavement width, are met.

   (2) A homeowners' association or other mechanism acceptable to the Planning Board and the Town Attorney must be created to maintain all private roads and must have adequate powers

to collect funds needed to assure road maintenance, including the ability to impose liens against all lot owners. The adequacy of the homeowners' association or other documents shall be reviewed and approved by the Town Attorney.

(3) The homeowners' association or other documentation and the conservation easements shall state that the private roads may not be deeded to the town unless the roads are improved in full accordance with the Town Street and Highway Specifications as related to town roads at the sole cost of the lot owners, each sharing equally in the cost of such upgrading of the road, which costs may be made a lien against the property.

(4) All reasonable engineering and legal costs for town review of the adequacy of the road designs, conservation easements and homeowners' association or other documents shall be paid by the subdivider.

(5) To the extent applicable, the requirements of § 352-e of the General Business Law relating to the filing with the Attorney General's office of common interests in real estate shall be strictly adhered to by the subdivider.

ARTICLE X
Modifications of Standards

§ 120-26. Waiver of specific improvements.

The Planning Board may waive, upon specific request and by specific resolution, subject to appropriate conditions and guaranties, for such period as it may determine, the requirements of this chapter relative to the provision and design of any or all required improvements which, in its judgment of the special circumstances of a particular plat or plats, are not requisite to the interests of the public health, safety and general welfare of the town or are not appropriate because of the inadequacy or lack of connecting facilities, either existing or foreseeable, adjacent to or in the proximity of the proposed subdivision.

§ 120-27. Modification of specific requirements.

A. Where the Planning Board finds that compliance with this chapter would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, area, drainage or other physical features of the site, the minimum requirements of this chapter may be modified upon specific request and by specific resolution of the Planning Board to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of this chapter and other town regulations regarding land use and development activities and the protection of the town's environmental resources.

B. The Planning Board may additionally modify the specific requirements of this chapter where, due to the unique circumstances of a particular tract, strict application of this chapter would inhibit achievement of the town's Master Plan objectives, provided that public health, safety and welfare are protected and the requirements of Chapter 143, Zoning, are wholly met.

§ 120-28. Review of decisions.

A. Any officer, department, board or bureau of the town, with the specific approval of the Town Board, or any person or persons jointly or severally aggrieved by any decision of the Planning Board concerning an application for subdivision plat approval may bring a proceeding to review such decision in the manner provided by Article 78 of the State of New York Civil Practice Law and Rules in a court of record on the ground that such decision is illegal in whole or in part. Such proceeding must be commenced within 30 days after the filing of the decision in the office of the Town Clerk.

B. Commencement of any such proceeding shall stay all further proceedings upon the decision appealed from.

ARTICLE XI
Enforcement

§ 120-28.1. Extension of guilt.

A. Where a violation of this chapter, as heretofore adopted and approved and from time to time hereafter amended, has been committed or shall exist, any contract vendee, agent or contractor of such owner who shall knowingly participate in such violation and any grantee of such owner who shall knowingly participate in such violation shall be guilty of a violation of this chapter.

B. Where a violation of any provision or condition of any resolution or approval of the Planning Board of the Town of Red Hook relating to a subdivision, adopted or granted under the authority of its rules and regulations or otherwise pursuant to law, has been committed or shall exist, the owner of the real property where such violation has been committed or shall exist, any contract vendee, agent or contractor of such owner who shall knowingly participate in such violation and any grantee of such owner who shall knowingly participate in such violation shall be guilty of a violation of this chapter.

§ 120-28.2. Penalties for offenses.

A. Fines and imprisonment. A violation of this chapter is hereby declared to be an offense punishable by a fine not exceeding $350 and/or imprisonment for a period not to exceed six months for a first offense; with the more stringent penalties set forth in Town Law § 268 applicable to second and other repeat offenders. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

B. Civil remedies. In case any land is divided into lots, blocks or sites in violation of this chapter, the Zoning Enforcement Officer or other proper local authorities of the Town of Red Hook, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful use or division of land, to restrain, correct or abate such violation and to prevent any illegal act, conduct, business or use in or about such premises, and upon the failure or refusal of the proper local officer, board or body of the town to institute any such appropriate action or proceeding for a period of 10 days after written request by a resident taxpayer of the town to so proceed, any three taxpayers of the town who are jointly or severally aggrieved by such violation

may institute such appropriate action or proceeding in like manner as such local officer, board or body of the town is authorized to do.

C. Administrative remedies. The Building Inspector of the Town of Red Hook is specifically authorized and empowered to deny or to withhold the issuance of a permit to erect or construct a building or other structure to the subdivider and/or developer who has subdivided said land in violation of this chapter and may withhold or deny said building permit to any subsequent grantee, owner, contract vendee, agent or contractor who shall knowingly participate in such violation.

D. In addition to the above authority and pursuant to § 280-a of the Town Law, the Building Inspector of the Town of Red Hook is also authorized and empowered to withhold or deny a building permit for the construction or erection of any building or structure unless suitably improved access to such proposed building or structure is provided by an existing town, county or state highway; or a street or highway duly placed on the Official Map or plan of the Town of Red Hook, if any; or a street shown on a plat duly approved by the Town of Red Hook Planning Board and filed in the Dutchess County Clerk's office; or a street shown on a plat filed and recorded in the Dutchess County Clerk's office prior to the appointment of the Town of Red Hook Planning Board and the grant to that Board of power to approve plats.

E. Nothing above contained in this chapter shall be deemed to restrict or impair the power and authority of the Building Inspector or other duly authorized enforcement officer of the Town of Red Hook to deny or withhold the issuance of a building permit, certificate of occupancy or other permit or license if the issuance of the same would be in conflict with or in violation of Chapter 143, Zoning.

§ 120-28.3. Enforcement.

This chapter shall be enforced by the person designated by the Town Board as the Zoning Enforcement Officer, with any enforcement action taken in coordination with the Planning Board, the Building Inspector and other responsible employees or officials of the Town of Red Hook.

ARTICLE XII
Administration

§ 120-29. Authorization.

The sole officer authorized to sign approved subdivision plats is the Chair of the Planning Board or, in his or her absence, the Vice Chair. The Clerk of the Planning Board is authorized, however, to carry out any ministerial acts on behalf of the Planning Board or its Chair that are required by this chapter.

§ 120-30. Revision of approved plat.

No changes, erasures, modifications or revisions shall be made on the subdivision plat after approval has been given by the Planning Board and endorsed, in writing, on the plat by the Chair unless said plat is first resubmitted to the Planning Board and such Board approves, in writing, any such modifications. In the event that any subdivision plat is recorded in the office of the Dutchess County Clerk without complying with these requirements, the same shall be considered null and void, and the Planning Board shall institute an appropriate proceeding to have the plat stricken from the records of the office of the Dutchess County Clerk.

§ 120-31. Construal of provisions.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements established by the Planning Board of the Town of Red Hook for the subdivision of land and the provision of required improvements within the town. Should the requirements of this chapter conflict with or otherwise be inconsistent with any provision or requirement of any other lawfully adopted rules, regulations, ordinances or laws, whether of the Town of Red Hook, the County of Dutchess, the State of New York or the United States of America, the more stringent provisions or those imposing the higher standards shall govern.

§ 120-31.1. Greenway Connections.

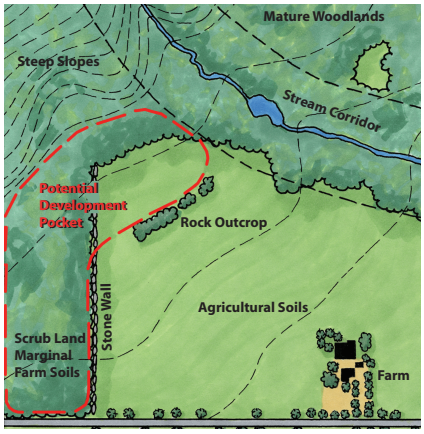
By Local Law No. 1 of the Year 2000, the Town of Red Hook has adopted Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities, as amended from time to time, as a statement of land use policies, principles and guides, to the extent applicable to the Town of Red Hook. In its discretionary actions under this Subdivision Code, the reviewing agency should be guided by said statement of policies, principles and guides where and whenever appropriate.

§ 120-32. Amendments.

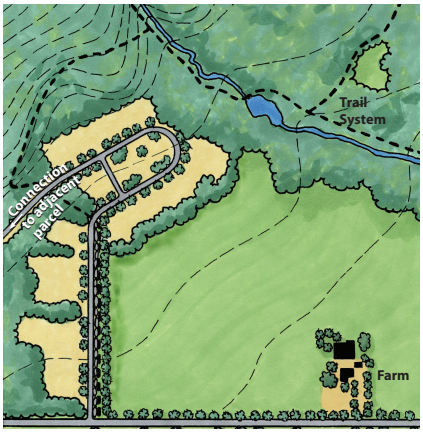
These regulations may be amended by the Planning Board after public hearing and subject to the approval of the Town Board. Notice of the time, place and purpose of any such public hearing shall be given by publication in the official town newspaper at least five days prior to the date on which it is to be held. A copy of the proposed amendment shall be placed on file in the office of the Town Clerk, where is shall be available for public inspection during normal business hours for a period of at least five days before such hearing. Amendments adopted by the Planning Board shall take effect on the date of Town Board approval or at such other time as provided in the resolution of approval and shall apply to any application for subdivision plat approval which has not yet received final plat approval or final plat approval with conditions prior to such date and to any preliminary subdivision plat approval, with or without modification, for which a formal application for final plat approval is not received within six months of the date of such preliminary plat approval.

§ 120-33. Severability.

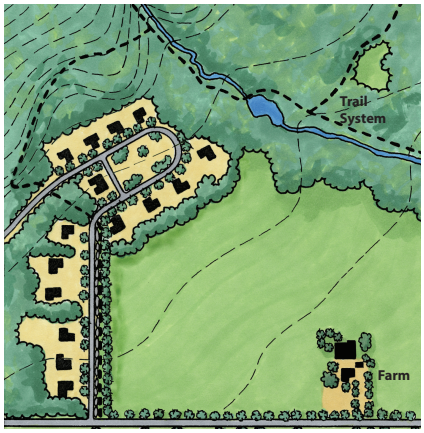
Should any section or provision of this chapter contained herein or as amended or the application thereof to any person or circumstance hereinafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid. The Planning Board hereby declares that it would have enacted this chapter or the remainder thereof and the Town Board declares that it would have approved the same even if the invalidity of such section or provision or its application had been apparent.



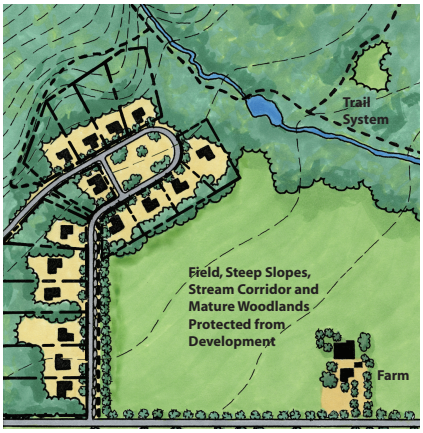
Step 1: Identify primary and secondary conservation areas (development pocket shown in "bubble format")



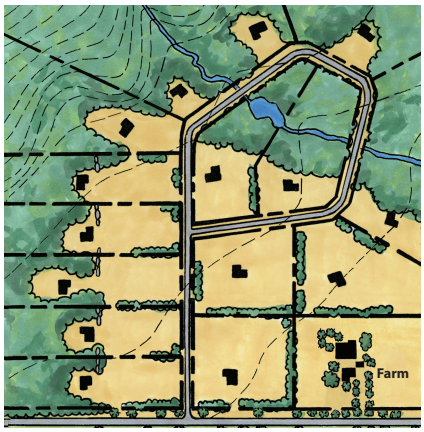
Step 2: Locate streets and trails



Step 3: Locate house sites



Step 4: Draw in lot lines



Yield Plan

Illustrations courtesy of Dutchess County Department of Planning and Development

SECTION 5. AMENDMENTS TO ARTICLE I OF THE ZONING LAW ENTITLED "GENERAL PROVISIONS"

§ 5-1. The definition of "Agriculture" in § 143-4 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new definition of "Agriculture:"

AGRICULTURE – 1) For parcels located within the Agricultural Business Zoning District, and for all parcels in the Town that are within a New York State certified Agricultural District and constituting a farming operation as defined in § 305-a of the NYS Agriculture and Markets Law, agriculture shall mean any activity connected with the raising of crops, livestock, livestock products and farm woodland, as defined in § 301 of the New York State Agriculture and Markets Law; 2) For all other parcels, agriculture shall mean activities connected with the raising of crops and, to the extent permitted in § 143-39 of this Chapter, keeping, grazing and feeding of animals, and shall not include: a) the operation of a riding academy, livery or boarding stable; or b) a dog kennel or cattery.

§ 5-2. The definition of "Cluster Development" in § 143-4 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new definition of "Conservation Subdivision:"

CONSERVATION SUBDIVISION – A conservation subdivision permits greater design flexibility and smaller average lot sizes than otherwise possible in a conventional lot-by-lot subdivision in order to preserve open space on the remainder of the property without increasing building potential for the tract as a whole. Conservation subdivisions are authorized under § 278 of the Town Law of the State of New York, and are also known as cluster subdivisions or open space subdivisions. References in this Chapter or in Chapter 120, Subdivision of Land, to the terms "cluster development," "cluster subdivision," or "residential cluster subdivision" shall mean conservation subdivision.

§ 5-3. The definition of "Conservation Easement" in § 143-4 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new definition of "Conservation Easement:"

CONSERVATION EASEMENT – An easement, covenant, restriction or other interest in real property created under the provisions of § 247 of the General Municipal Law and/or the provisions of §§ 49-0301 through 49-0311 of the Environmental Conservation Law, which limits or restricts the development, management or use of such real property for the purpose of preserving or maintaining the agricultural, scenic, open, historic, archaeological, architectural or natural condition, character, significance or amenities of the real property. Any such conservation easement shall comply with the regulations at § 143-33E of the Town Code.

§ 5-4. The definition of "Driveway" in § 143-4 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new definition of "Driveway:"

DRIVEWAY — A private way situated within a lot for vehicular traffic, providing access from a street to a single dwelling or a commercial premises. "Common driveway" is the term employed to identify a like facility which provides shared access to a maximum of four dwellings or to two or more commercial premises.

§ 5-5. The definition of "Farm" in § 143-4 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new definition of "Farm:"

FARM:

(1) Land and related machinery and buildings, including any farmhouse, used in commercial production of Agriculture and related products, provided that the land meets one (1) or more of the following criteria:

(a) Enrollment within an agricultural district established pursuant to Article 25AA, §§ 303 and 304 of the New York State Agriculture and Markets Law.

(b) Individual landowner commitment to agricultural land use pursuant to § 306 of Article 25AA of the New York State Agriculture and Markets Law.

(c) Not less than seven (7) acres of land used as a single operation during the preceding two (2) years for the production for sale of crops, livestock or livestock products of an average gross sales volume of ten thousand dollars ($10,000) or more, or lands less than seven (7) acres producing an average gross sales volume of fifty thousand dollars ($50,000) or more.

§ 5-6. The definition of "Farmland Protection Plan" in § 143-4 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new definition of "Farmland Protection Plan:"

FARMLAND PROTECTION PLAN – A plan developed by an individual agricultural landowner and approved by the Town Planning Board as the basis for long-term use and regulation of development of a farm property or property in agricultural use, presented by the landowner and considered by public authorities with due consideration of environmental, economic and other factors and focused on the objective of conserving important farmland while still allowing for residential or other development as may be desired.

§ 5-7. The definition of "Important Farmland" in § 143-4 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new definition of "Important Farmland:"

IMPORTANT FARMLAND – Land characterized by one or more of the following characteristics:

(1) Presence of soils that are classified as prime farmland soils by the U.S. Department of Agriculture Natural Resources Conservation Service, as listed in the Dutchess County Soil Survey;

(2) Presence of soils that are classified as farmland of statewide importance by the U.S. Department of Agriculture Natural Resources Conservation Service, as listed in the Dutchess County Soil Survey.

§ 5-8. The definition of "Lot" in § 143-4 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new definition of "Lot:"

LOT -- A single contiguous parcel of land, whether or not located in two or more zoning districts or municipalities, undivided into two or more portions by a street, having defined boundaries and considered as a unit, devoted to a specific use or occupied by a structure or group of structures that are united by a common interest, use or ownership, and including customary accessory structures, uses, open spaces and yards, which parcel shall have frontage on a street or on such other means of access as may be deemed sufficient in accordance with the applicable provision of § 280-a of the Town Law to provide suitable access as a condition precedent to the issuance of a building permit.

§ 5-9. The definition of "Outdoor Recreation Facility" in § 143-4 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new definition of "Outdoor Recreation Facility:"

OUTDOOR RECREATION FACILITY -- Land developed by a private sponsor with facilities for passive recreation, e.g., trails, fishing, boating, and picnic areas, and/or with facilities for active outdoor individual or organized recreation, e.g., ball fields, tennis courts, swimming pools, ski trails, ice-skating areas, and golf courses, not to include related arenas or stadiums or other similar structures for the accommodation of more than 500 spectators, activities involving the discharge of firearms or the development of substantial structures that compositely occupy more than 1% of the gross land area of the outdoor recreation area or facility. Such facilities may be for profit.

§ 5-10. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

AGRICULTURAL LEARNING INSTITUTION – A center for people to participate in interactive, hands-on activities, displays and exhibits to understand and learn about agriculture.

§ 5-11. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

AGRICULTURAL PRODUCT DISTRIBUTION CENTER (WHOLESALE) – A wholesale business located on a farm for collecting, storing and distributing farm products.

§ 5-12. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

AGRITOURISM – Activities conducted on a farm or on land used for agricultural production for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of farming and farm life.

§ 5-13. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

BREWERY – A facility located on a farm where malt liquors are manufactured.

§ 5-14. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

CIDER MILL – A facility located on a farm where fruits are processed into cider. Pasteurization may or may not be part of the process.

§ 5-15. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

COLD STORAGE FACILITY FOR AGRICULTURAL PRODUCTS – A facility, or rooms within a facility, greater than 1,000 square feet in size and located on a farm that is specifically designed and constructed for the cold temperature storage of perishable agricultural products.

§ 5-16. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

CONSERVED FARM – Land that is or has been used in agricultural production which has been preserved in perpetuity with a conservation easement.

§ 5-17. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

DISTILLERY – A facility located on a farm where fermented grain, fruit or vegetables is distilled into spirits or liquers.

§ 5-18. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

FARM LABOR HOUSING – Housing accessory to a farm in the AB District and all parcels in the Town that are within a New York State certified Agricultural District that is provided exclusively for seasonal and/or full-time employees and their families where such residences are provided by the farm landowner and/or operator, the worker is an essential employee of the farm landowner and/or operator employed in the operation of the farm, and the farm worker is not a partner or owner of the farm operation. For instance, a mobile or manufactured home used as the primary residence of a farm owner is not farm labor housing.

§ 5-19. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

FARM MARKET 3 – An accessory retail facility, a maximum of 4,000 square feet in gross floor area, owned and operated by the owner or operator of the farm and intended for the sale of local farm produce, farm products and related small-scale farm items including gifts, antiques and crafts on either a seasonal or year-round basis. A feed store and tack shop shall be included in the definition of a "Farm Market 3."

§ 5-20. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

FARM STAYS – The activity of visiting a farm or land in agricultural production for overnight stays and for the purpose of participating in or enjoying agricultural related activities and/or other attractions offered.

§ 5-21. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

FARMSTEAD COMPLEX – The designated area of a conserved farm which includes the farmhouse and other dwelling units and within which new farmhouses and dwelling units may be constructed subject to the provisions of § 143-39.1 of this Chapter.

§ 5-22. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

GREENHOUSE AND NURSERY – An establishment located on a farm where nursery stock is propagated, grown or cultivated for wholesale and/or retail distribution, and where herbaceous plants and related lawn care, landscaping and gardening products may be sold to retail customers.

§ 5-23. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

HISTORIC AND CULTURAL RESOURCES – Buildings or other structures, objects, landscapes or sites listed or eligible for listing on the State or National Registers of Historic Places or locally designated as a historic or cultural resource.

§ 5-24. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

MEDICAL CARE OUTPATIENT CLINIC – A facility providing medical, surgical, psychiatric or emergency medical services to sick or injured persons with no overnight stay.

§ 5-25. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

RESTAURANT, ACCESSORY – A restaurant that is accessory to a non-residential use and is located in the same building as the principal use in the Office-Industrial Subdistrict of the TND District.

§ 5-26. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

QUALIFIED EASEMENT HOLDER – 1) A not-for-profit corporation organized *inter alia* for the conservation or preservation of real property and which has the power to acquire interests in real property. Such organization must have qualified as exempt for federal tax purposes pursuant to § 501 (c)(3) of the Internal Revenue Code or any similar successor statutory provision; or 2) The state or a municipal corporation as that term is defined in section two of the General Municipal Law.

§ 5-27. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

STEEP SLOPES – Slopes of twenty (20) percent or greater. Slope determination shall be based upon five-foot USGS contour intervals, unless an applicant elects to submit slope information with smaller contour intervals or a specific section of the Zoning Law or of Chapter 120, Subdivision of Land, requires the use of smaller contour intervals.

§ 5-28. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

SUBDIVISION, PARTIAL – The division of any parcel of land under § 143-39.1 of this Chapter which covers only a part of the subdivider's entire holding and which does not realize the full development potential of the property.

§ 5-29. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

TIMBER OPERATION – The on-farm production, management, harvesting, processing and marketing of timber grown on a farm in a New York State certified Agricultural District, conducted in a manner consistent with the "Timber Harvesting Guidelines" promulgated by the New York State Department of Environmental Conservation, into woodland products, including but not limited to logs, lumber, posts and firewood, provided that such farm consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

§ 5-30. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

VALUE-ADDED PRODUCTS – Goods produced from harvested crops with the defining or distinguishing ingredient being grown by the producer.

§ 5-31. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

WETLANDS – New York State Department of Environmental Conservation designated wetlands and those adjacent land areas within 100 feet of the delineated wetland; federal wetlands regulated by the U.S. Army Corps of Engineers; and any locally protected wetlands.

§ 5-32. Section 143-4 of the Code is hereby amended by the addition of the following new definition:

WINERY – The manufacturing premises of a wine producer, located on a farm, which may include retail facilities.

SECTION 6. AMENDMENTS TO ARTICLE II OF THE ZONING LAW, ENTITLED "ZONING DISTRICTS"

§ 6-1. Section 143-5A of the Code is hereby amended as follows:

By deleting from the first sentence the clause "eleven (11) zoning districts" and inserting "thirteen (13) zoning districts" in its place.

§ 6-2. Section 143-5A of the Code is hereby further amended to add the following two new Zoning Districts to the existing list of eleven Zoning Districts:

Agricultural Business AB

Traditional Neighborhood Development TND, and within the TND District, three subdistricts: Residential Neighborhood, Commercial Center, and Office-Industrial.

§ 6-3. Section 143-6A of the Code is hereby amended as follows:

By deleting from the second sentence the clause "eleven (11) zoning districts" and inserting "thirteen (13) zoning districts" in its place.

§ 6-4. Section 143-6A of the Code is hereby further amended by adding the following new paragraphs at the end of such section:

(12) The intent of the Agricultural Business (AB) District is set forth in § 143-39.1A of this Chapter.

(13) The intent of the Traditional Neighborhood Development (TND) District is set forth in § 143-49.1A of this Chapter.

§ 6-5. Section 143-6 of the Code is hereby further amended by deleting the following sentence from subsection A(5):

"Increased density is authorized within the R1.5 District for residential uses served by a Town-approved central water supply system."

§ 6-6. Section 143-6 of the Code is hereby further amended by deleting the following language from subsection A(6):

"all residential uses served by a Town-approved central water supply system and for"

§ 6-7. Section 143-7 of the Code is hereby amended by deleting the first sentence thereof and inserting the following new sentence:

The location and boundaries of the thirteen (13) zoning districts, three (3) subdistricts, and five (5) overlay districts set forth in § 143-5 are shown on the Zoning District Map, Town of Red Hook.

§ 6-8. Section 143-10 of the Code is hereby amended by adding the following sentence to follow the first sentence of subsection F:

Uses and structures on portions of a lot located in another municipality shall be considered in meeting this requirement.

SECTION 7. AMENDMENTS TO ARTICLE III OF THE ZONING LAW, ENTITLED "USE REGULATIONS"

§ 7-1. Section 143-11 of the Code is hereby amended by adding the following new subsection F:

F. Uses for the AB District and TND District are set forth in §§ 143-39.1 and 143-49.1 respectively.

§ 7-2. The District Schedule of Use Regulations, attached to the existing Chapter 143 as 143 Attachment 1, is hereby deleted in its entirety and a new District Schedule of Use Regulations, annexed hereto as Attachment A, is hereby inserted in its place.

SECTION 8. AMENDMENTS TO ARTICLE IV OF THE ZONING LAW, ENTITLED "AREA AND BULK REGULATIONS"

§ 8-1. Section 143-12 of the Code is hereby amended by adding the following new subsection C:

C. Area and bulk regulations for the AB District and TND District are set forth in §§ 143-39.1 and 143-49.1 respectively.

§ 8-2. The District Schedule of Area and Bulk Regulations, attached to the existing Chapter 143 as 143 Attachment 2, is hereby deleted in its entirety and a new District Schedule of Area and Bulk Regulations, annexed hereto as Attachment B, is hereby inserted in its place.

§ 8-3. Section 143-23 of the Code is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new § 143-23:

§ 143-23. Buildable acreage.

A. For any parcel in any district, excluding the TND District, which shall be governed by § 143-49.1G, and the AB District, the permissible density shall be based upon the parcel's buildable acreage. The applicant shall demonstrate the buildable acreage by subtracting from the total (gross) acreage of the proposed development parcel(s) the acreage of unbuildable features as defined in this section.

B. Unbuildable features consist of (i) wetlands; (ii) lands within a FEMA delineated 100-year floodplain; (iii) the Sawkill, Lakes Kill, Stony Kill and Mudder Kill and those adjacent land areas within 100 feet of the high water mark; (iv) other streams and waterbodies and those adjacent land areas within 50 feet of the high water mark; (v) steep slopes; and (vi) acreage subject to a conservation easement or other long-term easement that expressly prohibits development. Permissible density shall be based on the amount of acreage that remains after deducting the acreage of unbuildable natural features.

C. The Planning Board's determination as to permissible density shall be based on a certified survey of the parcel and delineation of the unbuildable natural features by a licensed land surveyor and by a tabular presentation by the land surveyor of the gross site acreage and each of the subtracted land areas set forth above. Two or more parcels in common ownership or under common control which are the subject of an application for subdivision or site plan approval may be considered as a single development parcel for purposes of this section.

SECTION 9. AMENDMENTS TO ARTICLE V OF THE ZONING LAW, ENTITLED "SUPPLEMENTARY REGULATIONS"

§ 9-1. Section 143-27 of the Code is hereby amended by adding the following new subsection D(7):

(7) For nonresidential uses within the Agricultural Business (AB) District, a single identity sign not to exceed twelve (12) square feet in surface area per side may be provided for each business or activity on the premises.

§ 9-2. Section 143-33 of the Code is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new § 143-33:

§ 143-33. Conservation Subdivision

A. Conservation Subdivision Purposes.

(1) To provide greater economy, efficiency and convenience in the siting of services and infrastructure, including the opportunity to reduce road lengths, utility runs and the amount of paving required.

(2) To protect areas of the Town with important farmlands for continued or future agricultural use by conserving blocks of land large enough to allow for efficient agricultural operations.

(3) To provide a reasonable setback for new development adjacent to lands in agricultural production and important farmlands due to potential incompatibility of such new development with agricultural uses.

(4) To conserve open space, including those areas containing unique and sensitive natural features such as steep slopes, flood plains, stream corridors and wetlands by permanently setting them aside from development.

(5) To provide multiple options for landowners to minimize impacts on environmental resources and natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic and cultural resources and fieldstone walls.

(6) To preserve historic and cultural resources and contributing adjacent environs, particularly in the case of the Hudson River National Historic Landmark District and the Town's historic hamlets where buildings and landscape work together to create a unique historical setting.

(7) To create neighborhoods with direct visual access to open land.

(8) To provide for a balanced range of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences, so that the Town's population diversity may be maintained.

(9) To implement policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Town's *Comprehensive Plan* and *Open Space Plan*, and to encourage and facilitate the creation of trail systems and other areas for active or passive recreational use for the benefit of present and future residents.

(10) To conserve scenic views and elements of the Town's rural character, and to minimize perceived density, by limiting views of new development from existing roads, particularly from Town-designated scenic roads and other scenic areas within the Scenic Corridor Overlay (SC-O) District and other scenic vistas identified in the *Open Space Plan*.

(11) To promote development in harmony with the goals and objectives of the Town's *Comprehensive Plan* and *Open Space Plan*.

(12) To implement the recommendations of *Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities*, pursuant to Chapter 17 and § 143-144.1 of the Town of Red Hook Code.

(13) To mitigate identified environmental impacts under the State Environmental Quality Review Act (SEQR).

B. Authorization.

(1) Authorization is hereby granted to the Planning Board to modify applicable provisions of this Chapter to provide an alternate permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open lands when approving conservation subdivision plats pursuant to Chapter 120, Subdivision of Land. The Planning Board is not authorized to change or modify the types of residential dwelling units permitted in each district, as set forth in Chapter 143 of the Code.

(2) In accordance with § 143-39.1, development of lands within the Town's Agricultural Business (AB) District which participate in the limited development option outlined in § 143-39.1F(2) shall comply with the provisions for conservation subdivisions.

(3) The Planning Board may mandate conservation subdivision in any district to accommodate natural resources, historic or cultural resources, scenic features, or preservation of

neighborhood character at any time during the subdivision process. The Planning Board shall set forth its justifications for mandating conservation subdivision. The following are examples of resources worthy of conservation:

(a) Soils classified within soil group 1-3 (prime farmland soils) and group 4-6 (soils of statewide importance) as defined by the U.S. Department of Agriculture.

(b) Steep slopes.

(c) Water resources such as wetlands, municipal water supply watershed areas as determined by the Dutchess County Department of Health, flood-prone areas, floodplain areas with special flood hazards, New York State protected streams or an aquifer protection area.

(d) Critical Environmental Areas. Lands within or contiguous to a Critical Environmental Area designated pursuant to Article 8 of the Environmental Conservation Law.

(e) Designated open space areas. Lands contiguous to publicly owned open space areas or privately owned open space or natural areas identified in the Town of Red Hook *Open Space Plan* or otherwise designated by the Town as significant open space resources.

(f) Historic and cultural resources.

(g) Scenic viewsheds and special features. Sites contiguous to designated State, County or Town Scenic Roads, or "special features" identified in the Town's *Open Space Plan.*

(h) Significant natural areas and features. Areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special concern species as determined by the NYSDEC Natural Heritage Program or the Town Conservation Advisory Council, mature forests over 100 years old, or unique natural or geological formations.

(i) Trails. Existing and proposed trails, bikeways, and pedestrian routes designated by the Town, State or County.

(j) Recreation. Lakes, ponds or other significant recreational areas, or opportunities or sites designated in the Town's *Open Space Plan*.

(k) Community water and/or sewer. Sites where community sewer, community water, or community sewer and water are available.

(4) Applicant Request. Any applicant before the Planning Board may request approval of a conservation subdivision.

C. Development Potential. The permitted number of dwelling units shall not exceed the number of units that, in the Planning Board's judgment, would be permitted if the land were subdivided into lots fully conforming to the minimum lot size and density requirements of this Chapter applicable to the Zoning District(s) in which such land is situated and conforming to all other requirements of the Town of Red Hook Code. To determine a maximum unit count, the applicant shall submit a yield plan meeting the requirements set forth in § 120-21.1(B) of the Code.

D. Dimensional standards.

(1) Minimum required open space: A conservation subdivision shall preserve a minimum percentage of the tract's gross acreage for the district in which it is located as open space land, as listed below. Parking areas and roads shall not be included in the calculation of the minimum required open space.

Zoning District	Minimum Open Space Requirement
Waterfront Conservation (WC) and Agricultural Business (AB) Districts	80 percent
Limited Development (LD), Rural Development 5 (RD5), and Rural Development 3 (RD3) Districts	70 percent
All other Districts	50 percent

(2) Bulk standards: Lot sizes and dimensions, and structure locations on such lots may be freely disposed and arranged in conformity with the overall density and open space standards set forth in herein. No minimum lot size is specified, but the Planning Board may consider 8,000 square feet as a guideline for minimum lot size for subdivisions where central water supply and sanitary sewage disposal facilities are proposed, subject to adjustment according to health and safety considerations.

E. Permanent protection of open space. Open space land shall be permanently protected with a conservation easement as provided in this subsection unless such land is dedicated in fee simple to the Town or other government entity. The following regulations shall apply to all conservation easements:

(1) The conservation easement shall permanently restrict development of the open space land, allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to § 247 of the General Municipal Law and/or § 49-0301 through § 49-0311 of the Environmental Conservation Law.

(2) The conservation easement shall permanently restrict the open space from future subdivision and shall prohibit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation). Access roads, driveways, wells, local utility distribution lines, underground sewage disposal facilities, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures may be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices.

(3) The conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The conservation easement shall be recorded in the Dutchess County Clerk's Office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's Office.

(4) The conservation easement shall be granted to a qualified easement holder acceptable to the Planning Board.

(5) The conservation easement shall contain appropriate provisions for third party enforcement of the easement by the Town of Red Hook or other governmental unit.

(6) A restrictive stewardship fund shall be established if required by the qualified easement holder.

F. Maintenance. The cost and responsibility of maintaining required open space and common facilities may be borne by a Homeowner's Association, conservation organization, private owner, or, in the case of open space and facilities deeded to the Town, the municipality. Private ownership may be preferable when the required open space land is associated with a single large lot and is intended for agricultural, horticultural, or silvicultural use. Where a homeowner's association or special improvement district is proposed, the Planning Board shall condition approval of a conservation subdivision on the creation of the homeowner's association or special improvement district.

§ 9-3. Section 143-39 entitled "Agriculture" is hereby amended by deleting the first sentence in its entirety and replacing it with the following four sentences:

Nothing in this Chapter 143 shall be deemed to limit the right to farm as set forth in Article 25-AA of the New York State Agriculture and Markets Law. It is the intent of this Zoning Law not to unreasonably restrict or regulate farm operations within any certified agricultural district in contravention of the Agriculture and Markets Law. Farming is encouraged under the Town of Red Hook Right to Farm Law, Chapter 72, Farming.

Without limiting the foregoing, agriculture, as defined in § 143-4 of this chapter, shall be permitted in all Zoning districts provided that the following criteria are met:

§ 9-4. Section 143-39 entitled "Agriculture" is hereby amended by adding to the first sentence of subsection D the phrase "in all districts except the AB District," so that the sentence reads as follows:

The keeping of fowl and farm animals on nonfarm parcels of at least two (2) acres but less than ten (10) acres in area shall be limited in all districts, except the AB District, as follows:

§ 9-5. The following new § 143.39.1 is hereby added:

§ 143-39.1. Agricultural Business District

A. Findings and Purpose. The Town of Red Hook finds that protection of agriculture is essential to implementing the goals of the Town of Red Hook *Comprehensive Plan* and *Open Space Plan*. Protection of land for agricultural purposes is a legitimate zoning objective, which the regulations set forth in this section seek to achieve. It is also a policy of the New York State Constitution to preserve agriculture. The purposes of the Agricultural Business District (hereafter the AB District), among others, are as follows:

(1) To implement the Town's *Comprehensive Plan*, which contains the goals of protecting rural and agricultural lands, discouraging incompatible nearby land uses, and promoting agriculture as a component of the local economy now and in the future;

(2) To conserve a critical mass of important farmlands in order to facilitate active and economically viable agricultural use of the lands now and in the future;

(3) To enhance agricultural businesses that contribute to the general economic conditions of the Town;

(4) To maintain a viable agricultural base to support agricultural processing and service industries;

(5) To encourage the voluntary sale of development rights from farmlands within the AB District;

(6) To separate agricultural land uses and activities from incompatible residential, commercial, industrial, institutional, and public facility development;

(7) To prevent fragmentation of the Town's existing agricultural lands by non-agricultural development;

(8) To maintain for the benefit of future residents the essential characteristics of the Red Hook countryside;

(9) To ensure the availability of a safe, locally grown food supply; and

(10) To implement the recommendations of *Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities*, pursuant to § 143-144.1 of the Town of Red Hook Code.

B. Applicability.

(1) The AB District is hereby established as a zoning district as shown on the Town of Red Hook's Zoning Map.

(2) Any landowner whose land is not included in the AB District may petition the Town Board to be included in the AB District. The Town Board may amend the Zoning Map to include such land in the AB District if it is consistent with the Town's *Comprehensive Plan* and it meets the following criteria:

(a) The land must generally contain at least fifty (50) percent "important farmland" and be a "farm," both as defined in this Chapter, or be an addition to a conserved farm which adjoins, or is in close proximity to the property; or

(b) The land, because of its location within or adjacent to lands described in (a) above and its undeveloped nature, large size or siting amidst farmlands, is valuable to include in the AB District to prevent the proliferation of conflicting adjacent uses that could jeopardize the future survival of farming within the District.

(3) Should any provisions of the AB District differ with any other provisions of the Zoning Law, the provisions of the AB District shall control.

C. Uses. In the AB District, no building, structure or premises shall be used or arranged or designed to be used, and no building or structure shall hereafter be erected, reconstructed or altered except

for the following permitted uses or specially permitted uses and their customary accessory uses. With the exception of uses listed in subsection (3) below, none of the following uses shall require a special use permit in the AB District. There shall be no more than one (1) principal building or use and its customary accessory uses on any one (1) lot. An exception shall be made when the principal use of the lot is agriculture, in which case all of the permitted uses and their accessory uses listed below shall be allowed, in addition to one (1) special permitted use, when the uses are clearly incidental and secondary to the principal use of the premises for agricultural purposes and the uses do not alter the suitability for the principal use of agriculture.

(1) Permitted Uses:

(a) Agriculture, except as specifically limited in subsections (1), (2) or (3) herein.

(b) Farm

(c) Seasonal U-pick operation

(d) Winery, distillery, brewery, and cider mill (adaptive reuse[1] and new construction[2], provided new construction is no greater than 10,000 square feet in gross floor area) selling product, in a tasting room, derived from crops, at least a portion of which come from the premises.

(e) Greenhouse and nursery[1;] site plan review shall not be required for hoop houses and other movable structures

(f) Cold storage facility for agricultural products[2]

(g) Farm equipment repair[2]

(h) Boarding stable and riding academy.

(i) Conservation use, including but not limited to nature trails

(j) Forestry and forestry management

(k) Timber operation

(l) Public park and/or trail system

(m) Golf course[2] provided it shall occur only through the expansion of a golf course legally existing as of the date of adoption of this Local Law, up to a maximum of 18 holes.

(n) Single-family dwelling subject to the provisions of subsections F and G below.

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[1] Requires minor site plan review. Minor site plan review should be limited to building elevation and design, parking, lighting and signage, as permitted in § 143-114C(2) of this Chapter, unless the Planning Board has specific concerns regarding public health, safety or general welfare and such concerns are specifically set forth in the minutes of the Planning Board meeting. Public hearing not required.

[2] Requires major site plan review in accordance with the provisions of Article VII of this Chapter.

(o) Two-family dwelling (conversion) subject to the provisions of subsections F and G below, provided it shall occur only through the conversion of a single-family dwelling or a farm building legally existing on January 1, 1993, and provided the total number of dwelling units shall be included in the calculation of the property's permitted development potential.

(p) Two-family dwelling (new construction) subject to the provisions of subsection F below, provided it shall occur only within a farmstead complex and provided the total number of dwelling units shall be included in the calculation of the property's permitted development potential.

(2) Permitted Accessory Uses

(a) Farm market 1[1], Farm market 2[1], and Farm Market 3[1]

(b) Farm industry, subject to the provisions of § 143-41D of this chapter.

(c) Roadside stand, subject to the provisions of § 143-40 of this chapter.

(d) Farm labor housing, subject to the provisions of § 143-41E of this chapter.

(e) Home Occupation (Class 1)

(f) Other accessory agricultural or agritourism uses and activities , which are clearly incidental and secondary to the use of the premises for agricultural purposes and do not alter the character thereof. Where such accessory uses and activities require use of a building, such use may occur either through adaptive reuse or new construction, the latter no greater than 2,000 square feet in gross floor area, and shall require minor site plan review. Such uses may include but not be limited to:

[1] Educational experiences such as farm tours, day camps, farming and food preserving classes, cooking classes, nature hikes

[2] Bakery selling baked goods containing produce a portion of which is grown on the farm, and baked on site

[3] Bed-and-breakfast establishment as defined in § 143-4 of this chapter

[4] Petting zoo, animal display, and pony rides

[5] Wagon, sleigh, and hayrides

[6] Seasonal outdoor crop maze

[7] Family-oriented animated barn (e.g. fun houses, haunted houses)

[8] Organized meeting space for use by weddings and corporate picnics

[9] Small-scale entertainment[1] (e.g. music concert, car show, art fair) which does not require a large assemblies permit pursuant to Chapter 43 of the Town Code

[10] Historical agricultural exhibit

[11]Open air or covered picnic area with restrooms

[12]Harvest festival and barn dance

[13]Companion animal or livestock show

(g) Parking

(h) Signs

(i) Composting facility accessory to farm

(j) Other uses customarily incidental to the permitted or special permitted use and located on the same lot.

(3) Special Permitted Uses: (All special permitted uses require major site plan review and are subject to the provisions of Article VI, unless otherwise noted.)

(a) Inn, subject to the provisions of § 143-93 of this Chapter

(b) Restaurant in conjunction with an Inn or Farm Market and subject to the provisions of § 143-96 of this Chapter

(c) Commercial communications receiving and/or transmitting facilities; telecommunications towers, subject to the provisions of § 143-103 of this Chapter; however such use shall not be permitted within the Historic Landmark Overlay District

(d) Museum and/or agricultural learning institution, a maximum of 6,000 square feet in gross floor area, and subject to the provisions of § 143-79 of this Chapter

(e) Large-scale entertainment (e.g. music concert, car show, art fair) which requires a large assemblies permit pursuant to Chapter 43 of the Town Code, is conducted on a farm, and is clearly incidental and secondary to the use of the farm premises for agricultural purposes

(f) Farmers' market, subject to the provisions of § 143-90 of this Chapter

(g) Kennel, as defined in § 143-4 of this chapter.

(h) Hunting and/or fishing club, subject to the provisions of § 143-71 of this Chapter

(i) Outdoor recreation facility, subject to the provisions of § 143-72 of this Chapter, provided camping shall be limited to tents and cabins only (no Recreation Vehicles, pop-ups or other motorized accommodation)

(j) Agricultural Product Distribution Center (Wholesale), subject to the provisions of § 143-100.1 of this Chapter

(k) Collection of spring waters and operation of associated bottling works, subject to the provisions of § 143-102 of this Chapter

(l) Contractor's yard, as defined in § 143-4 of this chapter

(m) Sawmill not incidental to the operation of the farm, subject to the provisions of § 143-106 of this Chapter

(n) Veterinary office and animal hospital, as defined in § 143-4 of this chapter.

(o) Commercial boarding and/or breeding kennel or animal hospital (unenclosed), subject to the provisions of § 143-87 of this Chapter

(p) Private airstrip and heliport, subject to the provisions of § 143-70 of this Chapter

(q) Cemetery, including mausoleum, subject to the provisions of § 143-76 of this Chapter

(r) Boarding or rooming house, subject to the provisions of § 143-61 of this Chapter and provided it shall only occur within a farmstead complex; no site plan required.

(s) Accessory apartment within existing single-family dwellings, within new single-family dwellings, and through adaptive reuse of non-dwelling structures, subject to the provisions of § 143-64, § 143-65, and § 143-66 respectively; no site plan required.

(t) Cottage, subject to the provisions of § 143-68 of this Chapter; no site plan required.

(u) Home Occupation (Class 2), subject to the provisions of § 143-69 of this Chapter; no site plan required

(4) Permitted Temporary Uses

(a) Carnival, fair, circus, flea market or similar event (on premises)

(b) Carnival, fair, circus, flea market or similar event (off premises)

(c) Private garage or yard sale

(d) Temporary building for construction or development purposes

D. Area and Bulk Standards.

(1) All new non-residential buildings and parking shall comply with the minimum setback requirements set forth in the following Table.

Minimum Yards (feet) [1]		
Front	**Rear**	**Side**
25/25	100/60	100/60

[1] First figure is required minimum setback for buildings; second figure is required minimum setback for off-street parking spaces and related accessways.

(2) Unenclosed storage of manure shall be setback a minimum of 100 feet from any lot line, wetland, stream or other water body, or well providing a source of potable water.

(3) Height. The maximum height of all structures shall be 35 feet, except as provided in § 143-15 or as otherwise required for sound agricultural practices.

(4) Building coverage. Maximum building coverage for uses not located in a farmstead complex or building envelope shall be seven (7) percent.

E. Site Design Standards.

(1) Off-street parking and loading standards.

(a) The minimum number of off-street parking spaces listed in the following Table shall be required and shall be constructed to include those off-street parking spaces necessary to accommodate handicapped persons in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code.

Use	Minimum Off-Street Parking Facilities
Retail Structures	4 spaces per 1,000 sq. ft. of gross floor area
Cold Storage Facility	1 space per non-resident employee during season of maximum usage
Winery, Distillery, Brewery and Cider Mill	1 space per non-resident employee, plus 4 spaces per 1,000 sq. ft. of gross floor area dedicated to tasting room and retail use
Greenhouse and Nursery	1 space per non-resident employee, plus 4 spaces per 1,000 sq. ft. of gross floor area dedicated to retail use
Bed-and-Breakfast	1 space per bedroom, in addition to the parking requirement for the dwelling unit
Inn	1 space per bedroom, plus 1 space per non-resident employee and 1 space per 200 sq. ft. of gross floor area for functions; if food service is provided, the area allocated for food service shall be calculated and provided with parking according to restaurant use
Restaurant	1 space for every 3 seats or 1 for every 3 persons in permitted capacity, whichever is greater
Residential	2 spaces per dwelling unit
Other Uses	As determined by the Planning Board to be appropriate to the circumstances

(b) In all other regards, off-street parking and loading shall comply with the provisions of § 143-26 of this Chapter.

(2) Signs. Signs shall comply with the provisions of § 143-27 of this Chapter.

(3) Outdoor lighting. Outdoor lighting shall comply with the provisions of § 143-27.1 of this Chapter.

F. Permitted Development Potential. Landowners within the AB District may choose to participate in one of the following three options, which are intended to allow a landowner a reasonable return on his or her investment while meeting community goals.

(1) Conservation option. Landowners who participate in the conservation option shall be permitted a purchase of development rights density bonus that shall be based on the minimum acreage requirements established for such parcel set forth in the attached 1999 Reference Map. The development rights would be appraised as if the zoning for that parcel was as set forth in the 1999 Reference Map. Landowners who choose the conservation option are eligible to apply to the Town of Red Hook Purchase of Development Rights Program, Community Preservation Fund, or Incentive Zoning program, subject to availability of funds. Development rights may also be sold to any qualified easement holder. Lands from which development rights have been sold shall be placed under a conservation easement in accordance with the provisions of § 143-33E and §120-18.1C of the Town Code. All of the subject parcel shall be placed under conservation easement with the retained farmstead dwelling units permitted in accordance with the schedule in the following Table and the provisions below. Farm labor housing, as defined in § 143-4 of this Chapter, shall be exempt from the calculation of retained farmstead dwelling units for the purposes of this subsection, and shall be permitted to be located outside the farmstead complex.

PERMITTED RETAINED FARMSTEAD DWELLING UNITS	
Total Parcel Acreage	**Number of Dwelling Units**
Under 40 acres	1 dwelling unit
40-80 acres	2 dwelling units
Over 80 acres	3 dwelling units

(a) Retained dwelling units shall either be sited in accordance with the siting standards in subsection G below, or, preferably, shall be located adjacent to existing farm structures in a designated farmstead complex, which shall be designed in accordance with the following:

[1] In determining the size of a designated farmstead complex, consideration will be given to the future plans of the farmer, soil quality (located to minimize impacts on important farmland), road frontage and access (may not include excessive road frontage resulting in strip residential development, and may not prevent access to the conserved farmland). Generally, the size of the farmstead complex will not exceed five (5) percent of the total parcel size.

[2] Retained dwelling units located in the designated farmstead complex shall not be subdivided from the parent parcel on which they are located.

[3] The farmstead complex shall be depicted with metes and bounds on a certified survey of the property and shall be identified as the approved building envelope in the conservation easement placed on the parcel.

[4] Once a farmstead complex has been designated, the permitted number of retained dwelling units may be constructed subject to issuance of a building permit.

(2) Limited development option. Landowners who participate in the limited development option shall be permitted to develop their lands as follows:

(a) For each parcel, permitted density shall be calculated at one dwelling unit per ten (10) acres, provided such development shall be designed in accordance with the provisions of subsection G below.

(b) To conserve resources without changing the overall density allowed within the AB District, density transfers from one parcel or parcels within the AB District to another parcel or parcels within the AB District shall be permitted.

(c) Landowners may be permitted to locate new development in a farmstead complex without the need to subdivide, in accordance with the provisions for retained dwelling units in subsection F(1)(a) above.

(d) The number of dwelling units approved in a partial subdivision and the original and remaining number of units permitted under the limited development option shall be identified on the subdivision plat.

(3) 40-acre option. Any lot that is one hundred (100) acres and greater in size as of the date of adoption of this Local Law shall be permitted to subdivide a parcel or parcels of at least forty (40) acres in size, without the requirement for a farmland protection plan, provided that residential structures shall be sited in accordance with the siting standards in subsection G(2) below, and a conservation easement with a building envelope for the farmstead complex shall be placed on each forty (40) acre parcel. The remaining lands shall retain their previous full development potential under the limited development option, minus one (1) dwelling unit for each new forty (40)-acre parcel. For example, if a 100-acre lot was permitted ten (10) dwelling units, and a forty (40)-acre parcel was created with one dwelling unit, the remaining sixty (60) acre lot would be permitted a total of nine (9) dwelling units sited in accordance with the standards of subsection G below and preserving eighty (80) percent of the sixty (60) acre parcel. A note shall be included on the subdivision plat stating that the 40-acre option has been utilized, and stipulating the number of permitted dwelling units allowed under the limited development option on the remaining lot.

G. Siting Standards for Residential Development in the AB District. In order to allow for maximum flexibility in achieving a compatible arrangement of agricultural and residential land uses and to protect important farmlands and scenic vistas without impeding agricultural land use on a portion of a property or on adjacent or nearby properties, all new residential development within the AB District shall be designed in accordance with the procedures and requirements for conservation subdivision as outlined in § 143-33 of this Chapter and the Town's Subdivision Law, and shall conform to the following additional standards, provided that such siting standards shall not be applied to reduce the density otherwise permitted by subsection 143.39.1(F):

(1) All soils classified as important farmland, as defined in § 143-4, shall be preserved to the greatest extent practical, with a goal of preserving at least eighty (80) percent of such soils on the parent parcel.

(2) Residential structures shall be located according to the following guidelines, which are listed in order of significance (some of which may conflict with each other on a particular site, in which case, the Planning Board may use its discretion to resolve such conflicts):

(a) On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use and permits access to active agricultural lands;

(b) Away from the boundaries of any conserved farm to reduce conflicting land uses in these areas;

(c) In such a manner that the common boundary between the new residential lots and active and/or conserved farmland is minimized in length, is of sufficient width, and is well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses;

(d) Within woodlands or along the far edges of fields adjacent to woodlands, as depicted in the Town of Red Hook's *Siting Guidelines*, so as to avoid impacts to visually prominent agricultural landscape features and enable new construction to be visually absorbed by the natural landscape;

(e) To be as visually inconspicuous as practical when seen from State, County and local roads, and particularly from designated scenic roads;

(f) Next to other residences or building lots on adjacent properties;

(g) To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads;

(h) On suitable soils for subsurface sewage disposal (where applicable);

(i) Any other mitigation measure imposed under SEQR.

(3) Roads and driveways servicing the residential lots shall be located so as to minimize their impact on the use of agricultural land, and common driveways shall be used where feasible.

H. Partial Subdivision. To accommodate landowners who do not desire to subdivide an entire parcel at the time of their initial application for subdivision plat approval, partial subdivision of a parcel shall be permitted and the Planning Board authorized to approve the subdivision plat thereof provided the Planning Board finds as follows:

(1) The subdivision meets the purposes and requirements for a conservation subdivision as set forth within § 143-33 of this Chapter, and the Town's Subdivision Law.

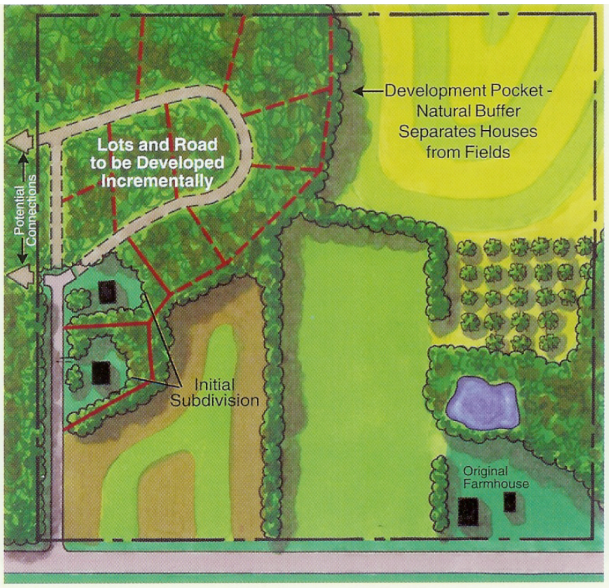
(2) The subdivision is consistent with a farmland protection plan prepared by the applicant and approved by the Planning Board. The farmland protection plan is based on conservation principles and shall include the entire parcel and all other contiguous parcels held in the same ownership, and shall meet the requirements set forth below and as illustrated herein and in *Dutchess County Greenway Guide A4—Protecting Farmland with Development*. The farmland protection plan may be based on readily available GIS mapping data and is not required to be surveyed or fully engineered, with the exception of lots proposed to be

subdivided. The farmland protection plan shall be submitted by the applicant and shall include the following elements:

(a) The location of prime and statewide important agricultural soils within the tract, and the approximate total acreage of such lands.

(b) The location and current use, and, if different, the intended use, of all existing structures and infrastructure.

(c) The location and intended use of all proposed building envelopes, any farmstead complex, roads and other major improvements.



Conservation and Gradual Development on a Working Farm

(d) A depiction of the acreage to be protected, labeled in a manner to indicate that such land is not to be further subdivided for building lots and is permanently reserved for agricultural purposes.

(e) An acknowledgment of the conservation easement to be employed.

(3) In order to secure implementation of the approved farmland protection plan, said plan shall be prepared as follows:

(a) The applicant shall first attend a joint pre-application meeting of the Planning Board and representatives from the Town's Agricultural and Open Space Advisory Committee to discuss the proposed project.

(b) The applicant shall present a farmland protection plan, based on a consideration of input received at the joint pre-application meeting, to the Planning Board. The Planning Board shall refer the plan to the Agricultural and Open Space Advisory Committee, which shall report in writing to the Planning Board within a specified period of not more than thirty (30) calendar days. The Planning Board shall approve, approve with modifications, or deny the plan in consideration of the goals and objectives of the Town's *Comprehensive Plan* and *Open Space Plan* relative to agricultural activity and open space preservation.

(c) An approved farmland protection plan may be amended in the future, subject to Planning Board approval.

(4) The Planning Board may defer the requirement for a conservation easement until a parcel has been subdivided to create fifty (50) percent or more of the number of permitted dwelling units, and in such case the Planning Board may require that a declaration be recorded identifying the original and remaining number of permitted lots.

§ 9-6. Section 143-41 entitled "Farms and related uses" is hereby amended by deleting subsection A in its entirety and substituting in lieu thereof the following new subsection A:

A (1) The operation of a farm for agriculture, as defined in § 143-4 of this chapter, and generally accepted agricultural and farm management practices, shall be permitted in all zoning districts in accordance with the Town of Red Hook Right to Farm Law, Chapter 72, Farming. This authorization shall be specifically construed to include the following:

(a) The conduct of agriculture, as defined in § 143-4 of this chapter.

(b) The production of farm products, as defined in § 143-4 of this chapter.

(c) The retail sale of farm products at a roadside stand as set forth in § 143-40.

§ 9-7. Section 143-41 entitled "Farms and related uses" is hereby amended through the addition of a new subsection B(3), to read as follows:

(3) In the AB District, Farm Market 1, Farm Market 2, and Farm Market 3 are permitted subject only to the requirements of § 143-39.1.

§ 9-8. Section 143-41 entitled "Farms and related uses" is hereby amended by the addition of a new subsection E, to read as follows:

E. Farm labor housing, as defined in § 143-4 is permitted in the AB District and for all parcels in the Town that are within a New York State certified Agricultural District, subject to the following:

(1) The housing shall be supported by adequate water supply and sewage disposal facilities in accordance with the standards of the Dutchess County Health Department.

(2) The housing shall be in compliance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code and all other applicable laws, ordinances and regulations applicable to either building construction or the operation and maintenance of farm labor/migrant housing.

(3) The housing shall be located on the farm parcel with a minimum front yard setback of 60 feet and a minimum side and rear yard setback of 35 feet.

§ 9-9. Section 143-41 entitled "Farms and related uses" is hereby amended by adding to the first sentence of subsection D the phrase "and on a farm parcel or land in agricultural use in the AB District," so that the sentence reads as follows:

The conduct of farm industries, as defined in § 143-4 of this chapter, shall be a permitted accessory use on a farm parcel in the LD, RD5, RD3, R1.5, R1 and I Districts, and on a farm parcel or land in agricultural use in the AB District, provided that:

§ 9-10. Section 143-47D(4) entitled "Important Farmlands" is hereby deleted in its entirety.

§ 9-11. A new § 143.49.1 is hereby added to read as follows:

§ 143-49.1. Traditional Neighborhood Development District[3]

A. Purposes.

(1) In conformance with the Town of Red Hook *Comprehensive Plan*, the purposes of the Traditional Neighborhood Development District (TND District) are as follows:

(a) To ensure that development adjacent to the Village of Red Hook is designed to conform to the Village's traditional compact, pedestrian-oriented, and mixed-use neighborhood pattern.

(b) To extend greater opportunities for traditional community living, working, housing, and recreation to residents of the Town.

(c) To provide more convenience in the location of retail, service, and office uses scaled to serve the day-to-day needs of the TND residents and designed to create a traditional, walkable neighborhood with attractive landscaping and building design.

(d) To distribute a range of civic functions and open spaces within neighborhoods to enhance community identity and social interaction.

(e) To reduce traffic congestion and allow independence to those who do not drive by ensuring that ordinary activities of daily living occur within walking distance of most dwellings, and by creating a safe and walkable environment.

(f) To create an interconnected network of narrow, tree-lined streets with sidewalks and paths that disperse traffic and reduce the length of automobile trips by offering multiple routes for vehicular and pedestrian traffic, and to provide for the connections of those streets to existing and future developments.

(g) To ensure that buildings and landscaping contribute to the physical definition of streets as public spaces.

(h) To provide a range of housing types and price levels to accommodate a variety of age and income groups and residential preferences.

(i) To ensure that new development in the TND District will be compatible with historic Village building patterns and will create a strong sense of community identity and neighborhood feeling experienced in traditional rural settlements.

(j) To preserve the rural, historic and agricultural character of the Town by directing new development to areas adjacent to the Village of Red Hook, thereby creating distinct settlements surrounded by a greenbelt of conserved lands.

(k) To provide employment opportunities for local contractors and builders.

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[3] This section incorporates design concepts and images from the "SmartCode Version 9.0" authored by Duany Plater-Zyberk & Company.

(l) To make development decisions predictable, fair and cost-effective.

(m) To promote development in harmony with the goals and objectives of the Town of Red Hook *Comprehensive Plan* and *Open Space Plan*.

(n) To implement the recommendations of *Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities* ("*Greenway Guides*"), pursuant to §143-144.1 of the Town of Red Hook Code.

(2) In order to preserve the rural and agricultural character of the Town, development potential in the TND District may be increased under the Town's incentive zoning program as outlined in § 143-49.2, which is designed to preserve farms, important farmland and open space in the Agricultural Business District.

(3) In order to ensure public safety with easy access to residential neighborhoods by police, fire and ambulance services and to maintain neighborhood connectivity gated housing developments are prohibited in the TND District.

B. Applicability.

(1) This section uses the terms "shall" when required, "should" when recommended, and "may" when preferred.

(2) In the event of any conflict, the provisions of this section shall take precedence over other sections of the Town of Red Hook Zoning Law and Subdivision Law.

(3) Terms used throughout this section shall take their commonly accepted meanings unless defined in § 143-49.1U Definitions or § 143-4 of this Chapter. The definitions in § 143-49.1U contain regulatory language that is integral to this section.

C. Illustrative Sketch Plans.

(1) The Town of Red Hook Traditional Neighborhood Development Illustrative Sketch Plans (Figures 1 and 2) are not mandatory development plans but are intended to serve as illustrated examples for the application of specified design principles in order to achieve a desired form and appearance of developments. These plans have no regulatory authority and were not based on detailed survey or natural features analysis of specific properties.

(2) Design principles for the subdistricts are shown on the illustrative plans on Figures 1 and 2. Full-scale versions of these illustrative plans can be viewed in the Planning Board office. The specific design standards to be applied using the design principles of the illustrative plans are found in § 143-49.1I through § 143-49.1Q herein.

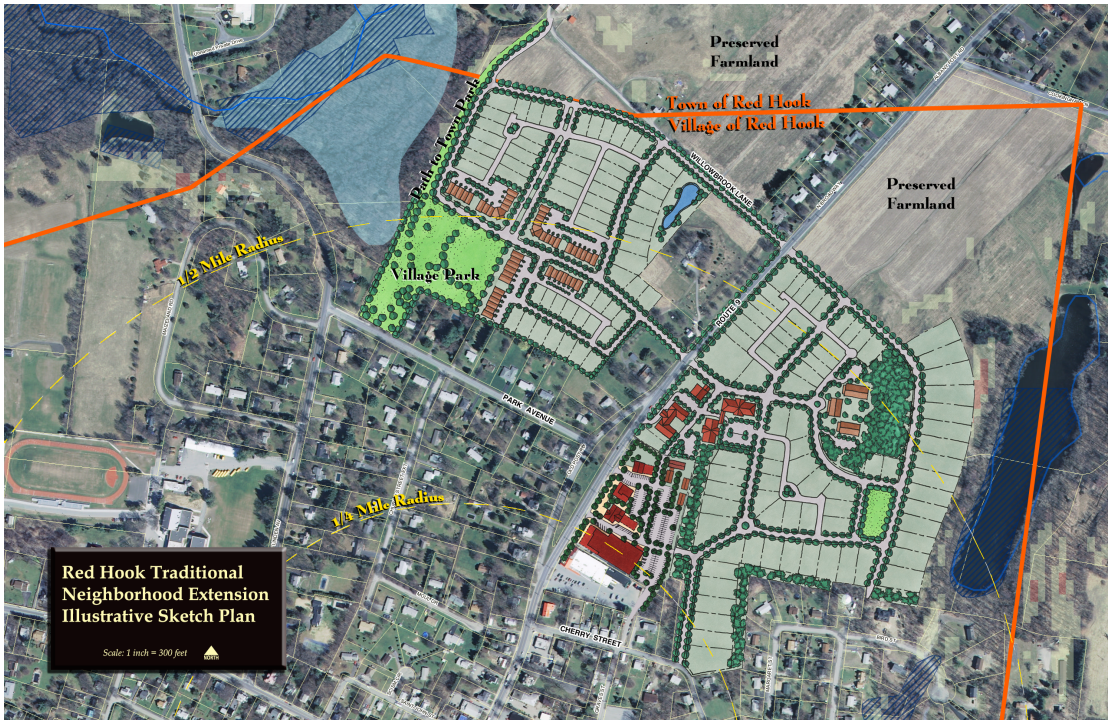


Figure 1: Red Hook Traditional Neighborhood Development Illustrative Sketch Plan

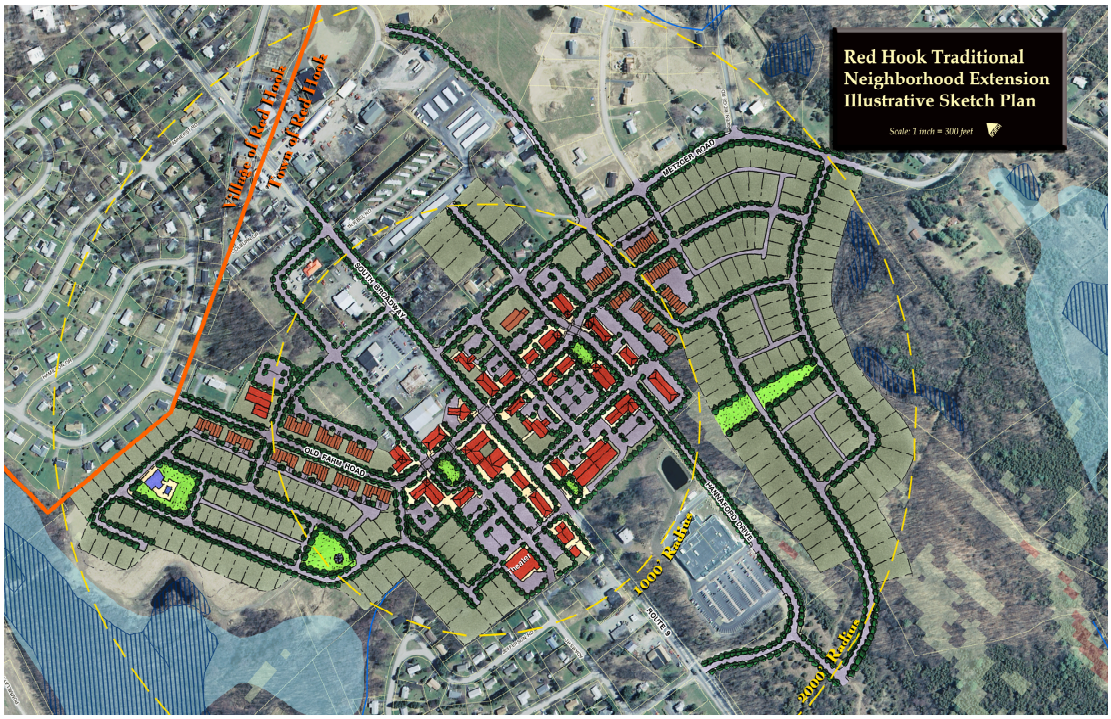


Figure 2: South Broadway Traditional Neighborhood Development Illustrative Sketch Plan

D. Subdistricts.

(1) The TND District consists of three subdistricts as shown on the Zoning Map: the Commercial Center Subdistrict, the Residential Neighborhood Subdistrict, and the Office-Industrial Subdistrict.

(2) The Commercial Center Subdistrict is intended primarily to meet the day-to-day retail and service needs of the immediate neighborhood within two- and three-story buildings (or buildings with the appearance of two stories), and may contain other compatible uses, such as office, civic and institutional uses of community-wide importance. It also provides for upper story office and residential uses on main commercial streets within the Commercial Center, and other residential types on side streets.

(3) The Residential Neighborhood Subdistrict provides locations for a broad range of housing types, as well as home occupations and other limited uses.

(4) The Office-Industrial Subdistrict is intended to enhance the Town's tax base and provide local employment opportunities by providing a location for light industry, office, research and lodging facilities with suitable access and external buffer areas to ensure compatibility with adjacent land uses and to minimize visual impacts on the Town's southern gateway.

(5) The specific uses permitted in each of the subdistricts are identified in § 143-49.1H below.

E. General Procedures.

(1) Except as specifically set forth below, development of any parcel in the TND District shall comply with the requirements of Article VII of this Chapter (Site Plan Review), and Chapter 120 of the Town Code (Subdivision of Land), in addition to the requirements of this section.

(2) Prior to the issuance of any building permit within the TND District, a detailed site plan shall be approved by the Planning Board, and no building or site development shall be carried out except in conformity with such approved plan. An exception to the above shall be made for a building permit issued for a single accessory structure as long as said structure is fully consistent with the requirements of this section.

(3) The simultaneous planning of adjacent parcels is encouraged. Individual parcel development shall be compatible with the design principles of this section and as illustrated by example on the Red Hook Traditional Neighborhood Development Illustrative Sketch Plans (Figures 1 and 2).

(4) The Town's Geographic Information System (GIS) identifies resources to be taken into account in the design of a TND. This includes wetlands, floodplains, and other valuable environmental resources to be protected and integrated into the neighborhoods as assets.

(5) TND site plans and subdivision plats shall be developed in accordance with a survey of existing conditions showing the site, adjacent developments, connecting thoroughfares, natural and cultural features. The design of a TND site plan and subdivision plat shall take into account these existing conditions.

(6) Connection to municipally owned facilities is the preferred means of providing water and sewer services in the TND District. Where such connections are not feasible, special improvement districts should be created under New York State Town Law or County Law, whether or not the initial sewer and water facilities are to be privately owned.

(7) A TND site plan and subdivision plat, if proposed, shall be prepared by the applicant.

(8) Each TND site plan and subdivision plat, if proposed, according to its type, and responding to existing conditions, shall be structured in accordance with the respective Commercial Center, Residential Neighborhood, and Office-Industrial standards for the TND District.

(9) All buildings and associated site improvements are subject to design review by the Planning Board in accordance with the provisions of this section. The Planning Board may consult the *Greenway Guides* for additional design recommendations for development within the TND District. The Town Board may, in consultation with the Planning Board, adopt a *Pattern Book for the Traditional Neighborhood Development District* with additional illustrations and information on TND development patterns and architectural character as a guide to applicants and as an aid to the administration of this section.

F. Application Process

(1) To promote optimum use of the parcel in the future, applicants may be required to prepare a conceptual master plan for their entire parcel whenever an application to subdivide or develop a portion of a larger parcel is submitted for a TND. The development of a master plan is intended to provide the surrounding community and the Town with information about, and an opportunity to comment on, the TND's future development. The plan also allows the applicant and the Town to address the effects of future development. Finally, an approved master plan is intended to ensure that the uses will be allowed to develop in a manner consistent with the plan. Master plans may be developed at various levels of detail. Generally, the more specific the plan, the less review that will be required as the future permitted uses are built. If a Master Plan is required, SEQR review shall be conducted on the Master Plan.

(2) Sketch Site Plan. The TND site plan shall first be presented in a conceptual form as a sketch plan. Endorsement of the sketch plan does not commit the Planning Board to approval of the detailed site plan, but is a way for the applicant and the Planning Board to discuss overall planning concepts. The Planning Board shall discuss the sketch site plan at a regular Planning Board meeting. An applicant wishing to develop in the TND District shall submit to the Planning Board ten (10) copies of the following, a portion or all of which may be submitted electronically to the extent procedures for such submission have been adopted by the Planning Board:

(a) A Sketch Plan, at a scale of one inch equals 100′ or one inch equals 200′, whichever would fit on a single standard size (for example 24″ by 36″) sheet. The Sketch Plan shall show the following:

[1] Aerial photograph and analysis showing the relationship of the project site to surrounding properties, streets, trails, parks, and open space networks.

[2] Natural features of the site, including soil types, topography (with contours at five

foot intervals), wetlands, streams, water bodies, floodplains, aquifers and aquifer recharge areas, steep slopes, mature forests, isolated trees with a caliper in excess of twelve (12) inches, and habitats of endangered species, threatened species, or species of special concern. This data may be based on readily available data from published sources, such as aerial photographs, USGA topographical sheets, Town of Red Hook GIS, FEMA floodplain maps, tax maps, and State DEC and U.S. Fish and Wildlife Service wetlands maps.

[3] Known cultural and historic resources, hedgerows, stonewalls, scenic viewsheds, and other similar assets.

[4] The locations of all proposed streets and connections to adjacent streets, structures, civic spaces, recreation facilities, and parking areas; proposed lot sizes and setbacks; the disposition of buildings and their relationship to streets and parking areas; and the general building types proposed.

(b) A description of present uses, proposed uses and accessory uses, and conceptual plans for possible future uses. The description shall provide information as to the general amount and type of each use including, but not limited to retail, service, office, lodging, recreation areas, civic space, and residential uses.

(c) Required application fee.

(3) Detailed Site Plan. Upon endorsement of the sketch plan by the Planning Board, the applicant shall submit ten (10) copies of the following, a portion or all of which may be submitted electronically to the extent procedures for such submission have been adopted by the Planning Board:

(a) An analysis of permitted units per acre.

(b) A detailed site plan for the entire development, or for the phase initially proposed for development, meeting the requirements of § 143-115 of this Chapter and showing the following:

[1] Relationship to surrounding properties, streets, trails, parks and open space networks.

[2] All improvements planned in conjunction with the proposed uses including information required in subsection 143-49.1F(2)(a)[4] and 143-49.1F(2)(b); the vehicle circulation system, including existing and potential connections to adjacent streets and properties; the pedestrian and bicycle circulation system, including connections between major buildings and activity areas within the TND site plan boundaries; the location, size and proposed surface treatment of all vehicle parking areas; building elevations; square footage of building floor area; number and types of residential units, including bedroom count and proposed floor plans; impervious surface coverage; proposed landscaping and planted areas, with identification of sizes and types of vegetation to be used, and method to ensure long-term survival; the location, size and design of all existing and proposed improvements, including the stormwater drainage, water supply and sewage disposal systems, and other similar

features; the location, type, and size of any proposed signs and exterior illumination; and any additional information that will assist the Planning Board in its review of the TND.

[3] Greens, squares, playgrounds, trails, conservation areas, and recreational facilities.

[4] The likely hours of operation, and such things as the approximate number of employees, visitors, residents, and special events shall be included for the purpose of assisting the Planning Board in its evaluation of the potential impacts.

[5] A copy of any architectural design guidelines or similar code proposed to be enforced by the developer and/or a Homeowners Association, if any, which guidelines or code shall be consistent with § 143-49.1M. Whether or not such design guidelines or code are proposed, the TND site plan shall demonstrate compliance with § 143-49.1M.

[6] Written agreements providing for the future ownership and maintenance of all commonly owned or used portions of the proposed development, including the proposed bylaws for any Homeowners Association.

[7] The procedure for the review of a subdivision plan, if proposed, shall comply with the requirements of the Town's Subdivision Law, except that such plans shall not be approved unless and until the TND site plan is approved if such subdivision involves the creation of separate building lots.

[8] Information on the proposed construction sequence for buildings.

[9] A Full Environmental Assessment Form (EAF).

(4) Project phasing. The purpose of this subsection is to ensure that growth in a TND occurs in an orderly and planned manner that allows time for preparation to maintain high quality services for an expanded residential population, while allowing a reasonable amount of additional residential growth during those preparations. This subsection will relate the timing of development in a TND to the Town's ability to accommodate the growth in population generated by such TNDs.

(a) The regulations of this subsection shall apply to all applications for creation of a new dwelling unit or units in a TND. Dwelling units shall be considered as part of a single development, for purposes of development scheduling, if located either on a single parcel or contiguous parcels of land which have been in the same ownership at any time during the preceding five (5) years.

(b) The proposed sequence of phasing of the construction of infrastructure and buildings and the ratio of residential, retail, and other non-residential floor space to be built in each phase, estimated dates, and interim uses of property awaiting development, shall be identified.

(c) Once a development schedule is approved, building permits shall be issued in conformity with that schedule.

(d) In determining phasing, the Planning Board shall be guided by the findings of the SEQR review of proposed developments which shall include an environmental assessment of traffic impacts, economic impacts, cumulative impacts including developments proposed in the Town and in surrounding communities, and other appropriate studies as determined necessary by the Planning Board. The Planning Board shall also be guided by the following criteria:

[1] Ability of the Town to adequately serve the proposed development with streets, utilities, drainage, educational and protective services. TND developers remain responsible for ensuring that the water and sewer service needs of the TND are adequate and shall construct needed facilities or shall make a financial contribution to the construction of such facilities.

[2] Provision of housing needs for diverse population groups. Special consideration may be given to the phasing schedule of developments that include TND Apartments or are designated as affordable units.

[3] Commitments already made in the development schedules for approved developments.

[4] Site design that responds to, incorporates and protects natural features such as vegetation, topography, watercourses and views, or which is designed to respond to the character of the neighborhood.

(5) Review procedures. The TND site plan shall identify the remaining procedures required for review of possible future phases if the plan does not contain adequate details for those phases under the initial review.

(6) Amendments to TND Site Plans. Unless the approved TND site plan specifically provides differently, Planning Board approval shall be required for any proposed use or development that increases the amount, frequency, or scale of a use over five (5) percent of what was approved. Examples include the number of employees, number of dwelling units, increase in floor area, or the number of vehicle trips or parking spaces. Supplemental SEQR review is required for amendments to the TND site plan. Where Planning Board review is not required, the Building Inspector may approve of such minor changes upon submission of an as-built survey.

(7) Public Hearing.

(a) If an application for site plan review within the TND District requires subdivision plat approval by the Planning Board, the Board should hold a joint public hearing to consider both the site plan and subdivision, with the same notice and timing requirements as set forth for the approval of subdivision plats.

(b) Once the Planning Board has received all necessary information and the public hearing has been closed, the Board shall follow the procedures outlined in the Site Plan/ Subdivision regulations in the Town of Red Hook Zoning Law and Subdivision Law.

G. Permitted Units Per Acre.

(1) Units per acre shall be calculated after subtracting wetlands and acreage subject to a conservation easement or other long-term easement that expressly prohibits development. The remaining lands shall be the net acreage.

(2) The Planning Board's determination as to density shall be based on a certified survey of the parcel(s) and delineation of the subtracted land areas set forth above by a licensed land surveyor, and by a tabular presentation by the land surveyor of the gross site acreage and each of the subtracted land areas to determine the net acreage.

(3) In the Residential Neighborhood Subdistrict and Commercial Center Subdistrict, permitted development shall be calculated in terms of housing equivalent units. Permitted development shall be one (1) unit per net acre in the Residential Neighborhood Subdistrict east of US Route 9, two (2) units per net acre in the Residential Neighborhood Subdistrict west of US Route 9, and three (3) units per net acre in the Commercial Center Subdistrict (see Table 1).

(4) Development potential may be increased as shown in Table 1 through the Town of Red Hook's incentive zoning program, as outlined in § 143-49.2 of this Chapter.

TABLE 1: MAXIMUM HOUSING EQUIVALENT UNITS PER ACRE

	By Right	By Incentive Zoning
Residential Neighborhood Subdistrict east of US Route 9	1 unit per net acre	TND House: 4 units per net acre All other dwelling unit types: 6 units per net acre
Residential Neighborhood Subdistrict west of US Route 9	2 units per net acre	TND House: 4 units per net acre All other dwelling unit types: 6 units per net acre
Commercial Center Subdistrict	6 units per net acre per floor	8 units per net acre per floor

(5) In the Commercial Center Subdistrict, housing equivalent units may be exchanged for other uses, as listed below. Housing equivalent units shall be exchanged for other uses at the following rate:

(a) For Lodging: 2 bedrooms for each housing equivalent unit per net acre.

(b) For Retail, Service or Office: 2,000 square feet gross floor area for each housing equivalent unit per net acre.

(c) For Educational and Place of Religious Worship: The number of units exchanged shall be 2,000 square feet gross floor area for each housing equivalent unit per net acre, unless modified by the Planning Board based on the expected traffic and other impacts of the particular use.

(6) To avoid overbuilding, a maximum of 300 total dwelling units may be constructed in the TND District. The Planning Board shall maintain a running total of the number of dwellings

units constructed. This restriction shall not preclude construction of a single family dwelling unit on any existing lot of record.

(7) Ancillary dwelling units do not count toward the maximum unit per acre calculations or the maximum number of dwellings allowed in the TND Distrtict. .

(8) In the Office-Industrial Subdistrict, development potential shall be limited by the dimensional requirements of Table 3 in § 143-49.1K.

H. Permitted Uses and Standards

(1) Commercial Center Subdistrict. The following shall be allowed within the Commercial Center Subdistrict of the TND District:

(a) Permitted Uses.

[1] TND apartments located on upper floors of mixed-use buildings on main commercial streets.

[2] TND House, TND Cottage, TND Townhouse on side streets only.

[3] TND Duplex designed with the appearance of a single family home as illustrated in Figure 3 on side streets only.

[4] Ancillary dwelling units as illustrated in Figure 4 on side streets only.

[5] Retail, service, and office uses scaled primarily to serve the day-to-day needs of the TND neighborhood and Town of Red Hook, including:

[a] Stores and shops for the conduct of retail business.

[b] Personal services, such as barbershops, hair salons, tailors, shoe repair, and other similar small-scale service uses.

[c] Offices, including business, professional, and medical offices.

[d] Banks, excluding drive-through facilities unless they are located to the rear of the building and are adequately screened from public streets.

[e] Restaurants and other places serving food and beverage, excluding drive-through restaurants.

[f] Health/recreation facilities.

[g] Family day care facilities as defined and regulated by § 390 of the NYS Social Services Law.

[h] Satellite post office.

[6] Lodging facilities with a maximum of sixteen (16) bedrooms.

[7] Civic spaces.

[8] Places of religious worship.

[9] Municipal parking lot.

(b) Special Permitted Uses. With the exception of convenience stores, and gas stations and automotive service facilities, and self-storage warehouses, a separate special use permit shall not be required for any use if such use is shown on the approved TND site plan.

[1] Convenience stores, which shall comply with the provisions of § 143-50 and § 143-89 of this Chapter, are a specially permitted use.

[2] Gas stations and automotive service facilities are a specially permitted use as long as fuel pumps are located to the rear of the building, and subject to compliance with the provisions of § 143-50 and § 143-91 of this Chapter.

[3] Self-storage warehouses, which shall comply with the provisions of § 143-50 and § 143-191.1 of this Chapter, are a specially permitted use.

(c) Accessory Uses and Home Occupations. Accessory uses and Class 1 home occupations are permitted in conformance with § 143-32, excluding outdoor display or storage for commercial uses with the exception of a retail business, which may be permitted to have a temporary display of store merchandise on its sidewalk frontage during business hours as long as such display does not occupy the sidewalk.

(d) Vehicular-oriented commercial land uses and drive-through businesses would have a disruptive effect on the pedestrian orientation of the District and are therefore prohibited unless otherwise provided for in this subsection.

(2) Residential Neighborhood Subdistrict. The following shall be allowed within the Residential Neighborhood Subdistrict of the TND District:

(a) Permitted Uses.

[1] Dwellings: TND House, TND Cottage, TND Townhouse, TND Duplex, TND apartment, all as defined in § 143-49.1U. TND Duplexes and detached buildings containing TND Apartments shall be designed to resemble a TND House, as illustrated in Figure 3.

[2] All developments other than those for fewer than ten (10) dwelling units must include a minimum residential housing mix of at least three (3) of the above dwelling types (with no one type comprising less than 20% of the total units proposed), as shown on the TND site plan.

[3] Ancillary dwelling units as illustrated in Figure 4.

[4] Civic spaces.

(b) Accessory Uses and Home Occupations. Accessory uses and Class 1 and Class 2 home occupations, which shall comply with §§ 143-32 and 143-69 of this Chapter.

Figure 3: Duplex (left) and Apartment Structures (right) Designed to Resemble Single-Family Homes

Figure 4: Ancillary Dwelling Unit Located Above a Garage

(3) Office-Industrial Subdistrict. The following shall be allowed within the Office-Industrial Subdistrict of the TND District:

(a) Permitted Uses.

[1] Conference center.

[2] Laboratory.

[3] Light industrial park, provided:

[A] No building, parking area or authorized outdoor storage of material, equipment or vehicles shall be located closer than two hundred (200) feet to any property line nor within two hundred fifty (250) feet of any neighboring residence, and any such building, parking area or outdoor storage area shall be effectively screened by intervening landform and/or vegetation from neighboring properties and public rights-of-way; and

[B] Subject to the following supplementary provisions of § 143-105E, F, G, and H of this Chapter.

[4] Light manufacturing, provided no building, parking area or authorized outdoor storage of material, equipment or vehicles shall be located closer than two hundred (200) feet to any property line nor within two hundred fifty (250) feet of any neighboring residence, and any such building, parking area or outdoor storage area shall be effectively screened by intervening landform and/or vegetation from neighboring properties and public rights-of-way.

[5] Lodging.

[6] Office.

[7] Office park, provided not less than forty (40) percent of the total acreage within the office park shall be comprised of suitably landscaped and maintained open areas, and subject to the supplementary provisions of § 143-94 E, F, H, I, and J of this Chapter.

[8] Medical care outpatient clinic.

(b) Accessory Uses.

[1] Accessory uses, but excluding outdoor display or storage.

[2] Accessory Restaurant

(c) Special Permitted Uses.

[1] Bank

[2] Veterinarian's office.

[3] Telecommunications tower

[4] Public or franchise utility station.

I. Civic Spaces.

(1) For developments of twenty (20) or more dwelling units, certain places for public use shall be required for each neighborhood and designated on the TND master plan, if required, or TND site plan as civic spaces. A civic space is an open space area permanently dedicated for community use, or a site dedicated for a civic building such as a community center or an elementary school.

(2) The permitted types of open spaces are greens, squares, playgrounds, and trails as defined herein and as illustrated in Figures 5 to 7 below.

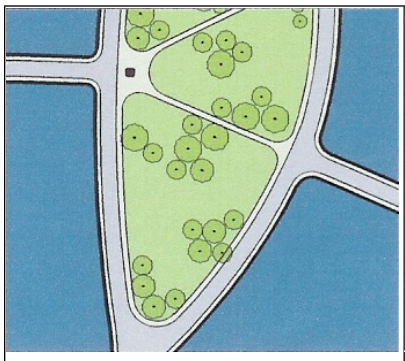


Figure 5: Green

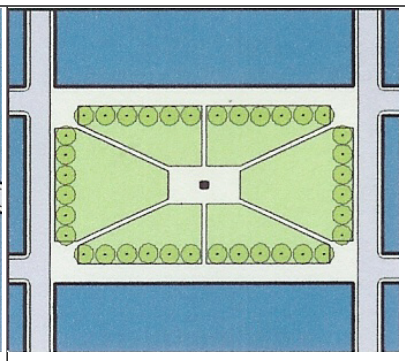


Figure 6: Square

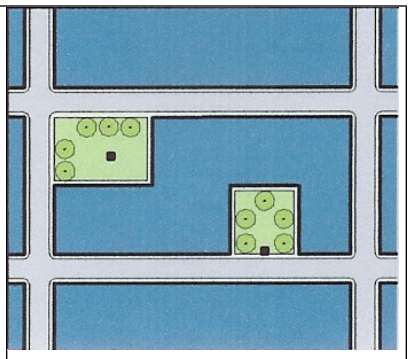


Figure 7: Playground

(3) A minimum of five (5) percent of the TND's gross acreage should be assigned to civic space. The Planning Board shall evaluate whether this acreage may be counted towards the Town's recreation requirement.

(4) At least one main civic space shall be located in the Commercial Center of the TND District. The applicant should construct a Meeting Hall or a Third Place (i.e. a place for meeting and gathering between work and home) in proximity to the main civic space of the Commercial Center.

(5) Civic building sites should be located within or adjacent to civic open spaces, or at the axial termination of significant streets.

(6) A civic building's design and parking requirements shall be determined by the Planning Board based on the Design Standards (§ 143-49.1K) and Parking Standards (§ 143-49.1L) of this section, provided that the civic buildings shall be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the neighborhood.

(7) The ongoing maintenance of the required civic space may be supported by a Homeowners Association established by the developer under State Law, or by such other method of ownership as approved by the Town Board.

J. Streetscape Requirements.

(1) Streets shall be designed as public spaces that encourage social interaction and that balance the needs of all users, including pedestrians, bicyclists and vehicular traffic, while providing access to lots and civic spaces. Streets shall consist of vehicular lanes and roadsides, as illustrated in Figure 8 below and as defined herein. The vehicular lanes provide the traffic and parking capacity. The roadside is the area between the lot line and the edge of the vehicular lanes. It includes sidewalks, tree lawns, street trees, streetlights, and curbing.

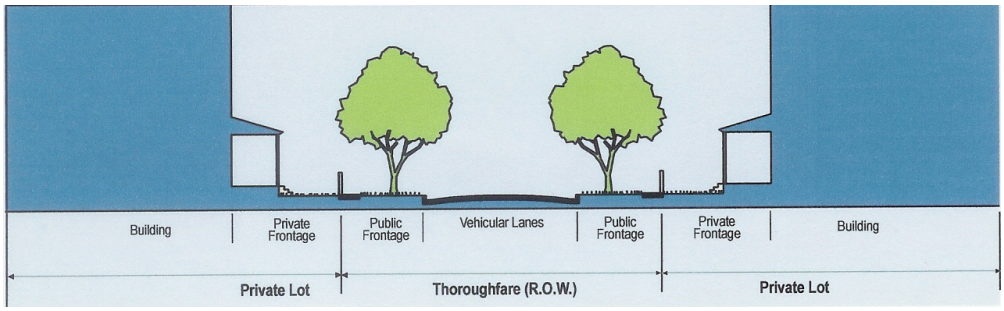


Figure 8: Streetscape Design

(a) Streets shall be designed for the desired design speed of the neighborhood through which they pass. Permitted street types and designs are as provided in the Town of Red Hook's Traditional Neighborhood Street Standards. The permitted street type shall be subject to Planning Board approval in consultation with the Highway Superintendent.

(b) The Planning Board shall give consideration to the ratio of building height to setback in the design of the streetscape. For every foot of a building's height (measured from the average finished grade to the eave) there should be no more than six feet of space in front of it, and preferably less, as illustrated in Figure 9.

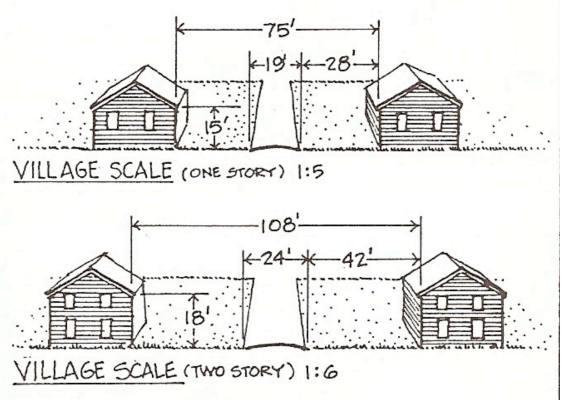


Figure 9: Streetscape Proportion

(c) Pedestrian comfort shall be a primary consideration of the street. Design conflict between vehicular and pedestrian movement shall be decided in favor of the pedestrian.

(d) Sidewalks shall be located on both sides of the street, shall be a minimum of four (4) feet wide in a Residential Neighborhood and a minimum of five (5) feet wide in the other subdistricts, and shall be ADA compliant.

(e) The street network should be designed to define blocks whose perimeter does not exceed 2,400 linear feet in the Commercial Center Subdistrict and 3,000 linear feet in the Residential Neighborhood Subdistrict, measured as the sum of lot frontage lines. Longer blocks should have pedestrian passages.

(f) All streets shall terminate at other streets, forming a network. Internal streets shall connect wherever possible to those on adjacent sites, or shall provide for potential connections to future developments. Cul-de-sacs shall be permitted by waiver only when deemed to be unavoidable due to natural site conditions. Where cul-de-sacs are deemed to be unavoidable, continuous pedestrian circulation shall be provided by connecting sidewalks that link the end of the cul-de-sac with the next street or civic space through the use of pedestrian passages or paths, where feasible.

(g) To the greatest extent practical, streets shall either continue through an intersection, or terminate with a "T" intersection directly opposite the center of a non-residential building, or a view into an open space area.

(h) Lots shall front on a street, except that twenty (20) percent of the lots within each neighborhood may front on a pedestrian passage, as illustrated in Figure 10 below.

Figure 10: Lots Facing Pedestrian Passages

(i) Trails, if provided, shall connect to existing or proposed trails whenever possible.

(j) The elements of the roadside, including sidewalks, tree lawns, street trees, and street lighting, shall be arranged as illustrated in Figure 8, and shall be designed in accordance with the Town's Traditional Neighborhood Street Standards and the following:

[1] The edge of the vehicular pavement shall be detailed as a raised curb drained by inlets to prevent parking on tree lawns and associated damage. In the Residential Neighborhood, frequent breaks in the curb line directing natural drainage to swales or rain gardens shall be permitted.

[2] To provide a buffer between pedestrians on the sidewalk and traffic on the road, the tree lawn shall be located between the sidewalk and the street curb or pavement. Tree lawns should be a minimum of 5 feet wide.

[3] To provide shade for parked cars and to buffer pedestrians from vehicles on the road, street trees shall be provided in the tree lawn, as provided in § 143-49.1N, Landscaping Standards.

[4] The Planning Board may require streetlights. All lighting shall be consistent with the provisions of § 143-116E of this Chapter.

(k) Where rear lanes or alleys are provided, they shall meet the following standards:

[1] Lanes and alleys shall be treated as private streets and shall not be dedicated to the Town. They may be dedicated to a Homeowners Association or as common easements across the rear portions of the lots subject to establishment of a Common Use and Maintenance Agreement.

[2] Lighting for lanes and alleys shall be provided on backbuildings or on lighting poles and shall be fully shielded to prevent glare.

[3] Lanes may be paved lightly to driveway standards, with drainage by inverted crown at the center and by percolation. They shall have gravel or landscaped edges with no raised curb. Street trees shall be planted in the tree lawn next to the lane or in rear yards of lots, and shall be spaced as specified in subsection N(6) herein. Pavement width shall be twelve (12) feet as illustrated in Figure 11.

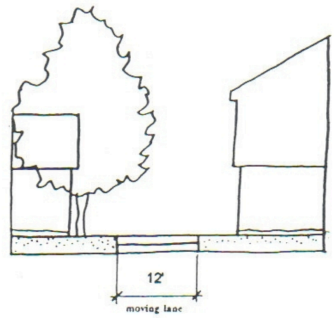


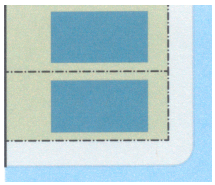
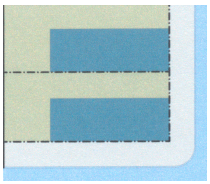
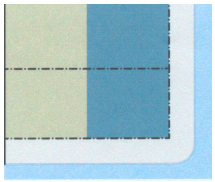
Figure 11: Rear Lane

[4] Alleys should be paved to street standards, with drainage by inverted crown at the center or with roll curbs at the edges. Pavement width shall be 14 feet.

K. Design Standards. The Design Standards regulate the aspects of private buildings that affect the public realm, such as building disposition, lot dimensions, and private frontage types.

(1) Buildings and landscaping should contribute to the physical definition of the street as a public space.

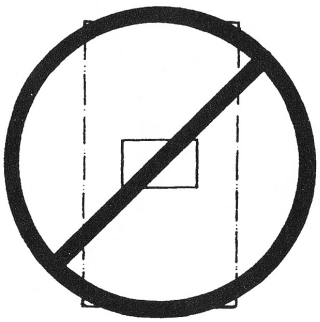
(2) Subject to the setback provisions of subsection K(5) below, building disposition in the Residential Neighborhood and Commercial Center Subdistricts shall be either edge yard, side yard, or rear yard as defined herein and as illustrated in Figure 12 below.

Figure 12: Appropriate Building Types	
Edge-yard: A building that occupies the center of its lot with setbacks on all sides. The front yard sets it back from the frontage and is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a connecting building and/or backbuilding.	
Side-yard: A building that occupies one side of the lot with the setback to the other side. The visual opening of the side yard on the street frontage causes this building type to appear freestanding. This type permits climatic orientation in response to the sun or the wind.	
Rear-yard: A building that occupies the full frontage, leaving the rear of the lot as the sole yard. The continuous facade steadily defines the public thoroughfare. The rear elevations may be articulated for functional purposes. In its residential form, this type is the rowhouse. For its commercial form, the rear yard can accommodate substantial parking.	

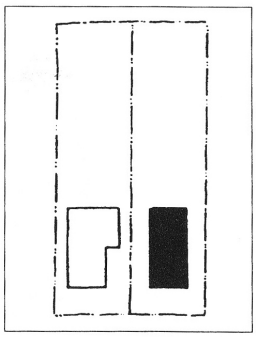
(3) Facades shall be built parallel to the principal frontage line or parallel to the tangent of a curved principal frontage line.

(4) Buildings shall define the public realm of the street through the use of consistent setbacks along the build-to line that shall establish the front yard setback for each block. The function of the build-to line is to spatially define the street as an outdoor room and to define the border between the public space of the street and the private realm of the individual lot. The build-to line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards. Lots fronting on more than one street shall have a build-to line along each of the streets on which the lot fronts. In the case of an infill lot, setbacks shall match the predominant build-to line on the existing street.

(5) Lots shall be generally dimensioned as shown graphically on the Illustrative Sketch Plans (Figures 1 and 2) and shall be platted or replatted according to the standards in Table 2 (Residential Neighborhood and Commercial Center Subdistricts) and Table 3 (Office-Industrial Subdistrict) below. Development within the TND that occurs at the by-right level (i.e., one unit per net acre in the Residential Neighborhood Subdistrict and three units per net acre in the Commercial Center Subdistrict) shall be sited on the lot(s) so that long-term development of the site as shown on the Illustrative Sketch Plans is not precluded, as shown in Figure 13.



Large lot with building poorly sited for future subdivision



Large lot with building well-sited for future subdivision

Figure 13: Building Siting at By Right Level

TABLE 2: DIMENSIONAL REQUIREMENTS FOR THE RESIDENTIAL NEIGHBORHOOD AND COMMERCIAL CENTER SUBDISTRICTS		
	By Right	**By Incentive Zoning**
Lot Width	95 ft. min.	22 ft. min. 95 ft. max.
Building Setbacks Front Side Rear (principal building) Rear (backbuilding)	 2 ft. min. 18 ft. max. - Residential Neighborhood 0 ft. (from sidewalk) min. 18 ft. max. - Commercial Center 6 ft. min.* - Residential Neighborhood 0 ft. min. - Commercial Center 20 ft. min. 3 ft. min. if no rear lane or alley, or 12 ft. from centerline of lane or alley	 2 ft. min. 18 ft. max. - Residential Neighborhood 0 ft. (from sidewalk) min. 18 ft. max. --Commercial Center 6 ft. min.* -- Residential Neighborhood 0 ft. min. -- Commercial Center 20 ft. min. 3 ft. min. if no rear lane or alley, or 12 ft. from centerline of lane or alley
Maximum Lot Coverage	35% - Residential Neighborhood Subdistrict 65% - Commercial Center Subdistrict	45% - Residential Neighborhood Subdistrict 85% - Commercial Center Subdistrict
Maximum Building Coverage	12% - Residential Neighborhood Subdistrict 30% - Commercial Center Subdistrict	14% - Residential Neighborhood Subdistrict 65% - Commercial Center Subdistrict
Maximum Building Height – Principal Buildings	2 stories	2 stories - Residential Neighborhood Subdistrict 3 stories - Commercial Center Subdistrict

TABLE 2: DIMENSIONAL REQUIREMENTS FOR THE RESIDENTIAL NEIGHBORHOOD AND COMMERCIAL CENTER SUBDISTRICTS		
Maximum Building Height – Backbuildings	25 ft. and 2 stories	25 ft. and 2 stories
Maximum Building Height – Connecting Buildings	14 ft. and 1 story	14 ft. and 1 story

The Planning Board may approve a zero-foot side yard. However, for side-yard building types, the minimum distance between buildings shall be 6 ft.

TABLE 3: DIMENSIONAL REQUIREMENTS FOR THE OFFICE-INDUSTRIAL SUBDISTRICT	
Lot Width	100 ft. min.
Minimum Yards* Front Side Rear	 From Hannaford Drive and any street interior to the property: 25 ft. min. From US Route 9: 200 ft. min. 50 ft. min. 50 ft. min.
Maximum Lot Coverage	45%
Maximum Building Coverage	20%
Maximum Building Height – Principal Buildings	The maximum height of a building located 200 ft. from US Route 9 shall be 28 ft. Buildings taller than 28 ft. shall be allowed, up to a maximum of 3 stories or 45 ft., as long as they are setback an additional 8 ft. for every additional one (1) foot in height. For example, a building that is 30 ft. in height shall be setback 216 feet from US Route 9.
Maximum Building Height – Backbuildings	25 ft. and 2 stories
Maximum Building Height – Connecting Buildings	14 ft. and 1 story

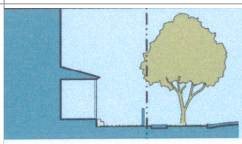
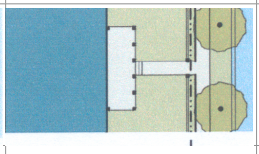
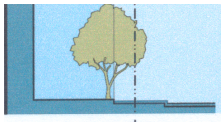
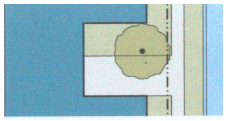
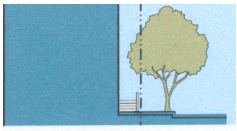
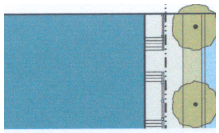
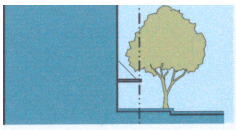
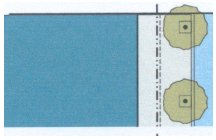
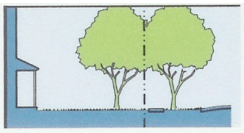
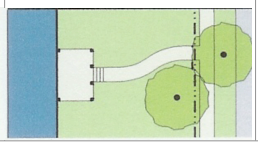
* Required minimum setback for principal buildings, backbuildings and connecting buildings, off-street parking spaces and related accessways.

(6) A minimum of two stories is required for buildings in the Commercial Center Subdistrict. However larger-scale single use facilities (conference spaces, theaters, supermarkets or department stores, for example) may be one-story with a two-story façade; such facilities shall be located behind smaller-scale buildings or storefronts with pedestrian orientation. The first story of buildings shall have a minimum height of 14 feet, measured from finished floor to finished floor. The Planning Board is authorized to assign a maximum story height.

(7) Backbuildings and connecting buildings shall be clearly incidental to the principal building.

(8) Buildings shall have their principal pedestrian entrances on a frontage line.

(9) Private frontages are permitted as shown in Figure 14 below.

Figure 14: Private Frontage Types			
	Section	**Plan**	**Neighborhood**
a. Porch & Fence: Here the façade is set back from the frontage line with an attached porch. A fence at the frontage line demarks the yard. The porches should be no less than 8 feet deep.			Residential
b. Forecourt: Here the façade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicle drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.			Residential Commercial Center
c. Stoop: Here the façade is aligned close to the frontage line with the first story elevated from the sidewalk to secure privacy. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use.			Residential Commercial Center
d. Shopfront and Awning: Here the façade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.			Commercial Center
e. Deep Setback. Here the façade is set back substantially from the frontage line. The deep setback provides visual screening from the roadway.			Office-Industrial

(10) Additional Requirements Specific to Mixed-Use Buildings in the Commercial Center Subdistrict:

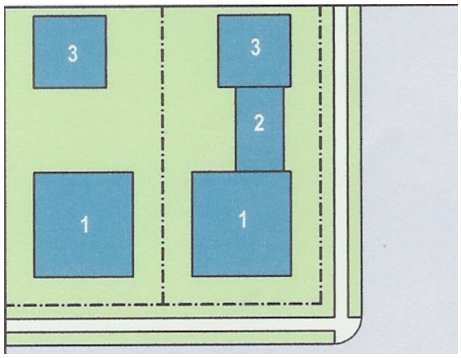
(a) Facades shall be built along a minimum of seventy (70) percent of the length of the principal frontage line. In the absence of a building along the remainder of the frontage line, a streetscreen shall be built or installed on the same plane with the façade.

(b) Buildings shall be designed for multiple uses, with the first story limited to commercial uses on main commercial streets as defined herein. The second and third stories may be occupied by residential, commercial or office uses.

(11) Additional Requirements Specific to the Residential Neighborhood Subdistrict:

(a) One principal building at the frontage, and one garage or backbuilding to the rear of it, may be built on each lot. Lots with sideyards that face a street may additionally be permitted one connecting building to reinforce the streetwall, as illustrated in Figure 15 below.

Figure 15: Building Disposition



1. Principal Building
2. Connecting Building
3. Garage or Backbuilding

(b) A variety of lot sizes should be provided, as illustrated in Figure 16, to eliminate the appearance of a standardized subdivision and to facilitate housing diversity and choice that meets the projected requirements of people with different housing needs. Lot widths should create a relatively symmetrical street cross section that reinforces the street as a unified public space.

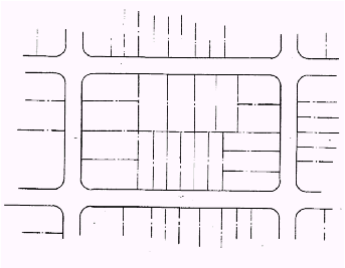


Figure 16: Lot size variety

L. Parking Standards.

(1) Each use, including a change or expansion of a use, shall provide parking areas in compliance with this section. Off-street parking facilities shall be designed in accordance with the requirements of § 143-26 of this Chapter, and shall be subject to the following special standards for the TND District:

(a) The following minimum standards shall apply:

Use	Minimum Off-Street Parking Spaces
Single family dwelling	2 for each dwelling unit
Ancillary dwelling units	1 for each dwelling unit
All other residential uses	1½ for each dwelling unit with one bedroom 2 for each dwelling unit with two or more bedrooms
Retail/service	4 for each 1,000 sq. ft. of gross floor area
Restaurant	6 for each 1,000 sq. ft. of gross floor area
Office	3 for each 1,000 sq. ft. of gross floor area
Lodging	1 for each bedroom; if food service is provided, the area allocated for food service shall be calculated and provided with parking according to restaurant use, adjusted per the shared parking factor of Figure 17

Use	Minimum Off-Street Parking Spaces
Light Manufacturing	As per § 143-26 of this Chapter
Medical Care Outpatient Clinic	3 for each professional, plus 1 for each other employee
Civic Uses	2 for each 1,000 sq. ft. of gross floor area unless otherwise determined by the Planning Board taking into account design use

(b) To minimize the amount of impervious surfaces, on-street parking available along the frontage lines that correspond to each lot in the Commercial Center Subdistrict may be applied toward the minimum parking requirement of the building on the lot.

(c) On-street parking shall be permitted in the Residential Subdistrict but shall not be applied toward the minimum parking requirement of uses in the District.

(d) Maximum parking ratios may be established by the Planning Board based on environmental impacts.

(2) Additional Requirements Specific to the Commercial Center and Office-Industrial Subdistricts:

(a) Parking available for two dissimilar uses within any pair of adjacent blocks may be shared. Shared parking is calculated by adding the total number of spaces required by each separate use and dividing the total by the appropriate Shared Parking Factor from Figure 17. For example, if a residential use requires 10 parking spaces, and an office use requires 12 spaces, independently they would require 22 spaces. But when divided by the sharing factor of 1.4, they would require only 16 parking spaces. For the purpose of determining the shared parking factor, the retail function shall include service and restaurant uses.

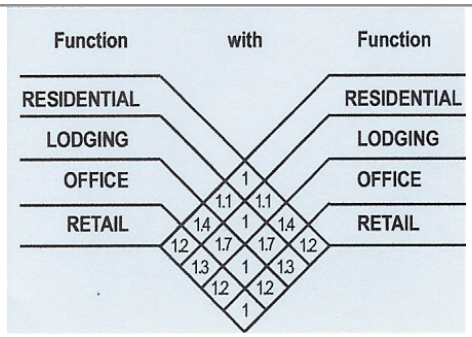


Figure 17: Shared Parking Factors

(b) All off-street parking areas shall be located in the third lot layer, as illustrated in Figure 18, and shall be screened from view from a secondary frontage by a streetscreen or appropriate landscaping as determined by the Planning Board.

(c) Off-street parking should be accessed from a rear lane or alley or side street.

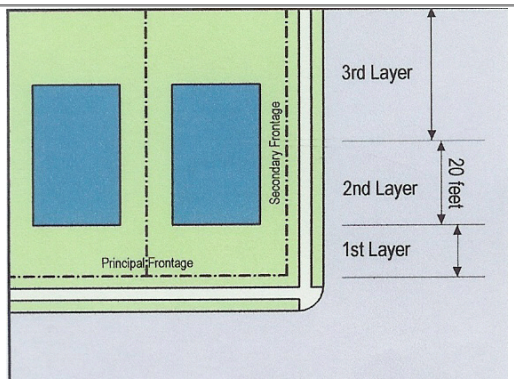


Figure 18: Lot Layers

(d) Pedestrian access to all parking lots should be directly from a frontage line by means of a pedestrian passage.

(e) A bicycle rack should be provided where appropriate.

(3) Additional Requirements Specific to the Residential Neighborhood Subdistrict:

(a) All garages shall be located in the third layer, as illustrated in Figure 18.

(b) Parking shall be permitted in a driveway in the second or third layer. A driveway in the second layer may be used for parking if it is no more than 12 feet wide.

M. Architectural Standards.

(1) To ensure that buildings enhance the local sense of place, buildings shall be either traditional in their architectural character, or be a contemporary expression of traditional styles and forms respecting the scale, proportion, character and materials of historic village structures. Franchise architecture shall be prohibited.

(2) To affirm the continuity and evolution of society, existing buildings, if determined to be historic or architecturally significant by the Town Board, shall be protected from demolition or encroachment by incompatible structures or landscape development. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant buildings.

(3) A variety of architectural features and building materials is required to give each building or group of buildings a distinct character.

(4) Buildings of 40 feet or more in width along a frontage shall be visually divided into smaller increments to reduce their apparent size and contribute to a human-scale development. The mass of these buildings shall be de-emphasized in a variety of ways through architectural details such as divisions or breaks in materials, window bays, separate entrances and entry treatments, variation in roof lines, awnings, or the use of sections that may project or be recessed up to 10 feet, as illustrated in Figure 19.

Figure 19: Articulated Shopfronts

(5) The exterior finish materials on all facades shall be limited to natural building materials that age gracefully such as brick, stone, stucco, wood, and wood shingles. Smooth finish fiber cement siding is also permitted if it faithfully simulates the natural material and has equal or

better weathering characteristics. Balconies and porches shall be made of wood, wood composite and/or earth-based materials such as brick, stone, fiber cement siding and/or stucco. Railings shall be made of wood, wood composite, or metal in the Residential Neighborhood Subdistrict and of metal in the Commercial Center Subdistrict. Vinyl shutters, plastic gutters, or similar material should be avoided. A waiver from this standard shall be permitted for light manufacturing buildings in the Office-Industrial Subdistrict.

(6) Buildings shall have sloped roofs, with the exception of rowhouses and nonresidential structures, which may have mansard roofs or flat roofs with articulated parapets and cornices; in such cases, parapets shall be a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the Planning Board. Sloped roofs shall have a minimum pitch of 9:12, except for porches and attached sheds, which may be no less than 2:12. Larger buildings may require a combination of roof types and pitches to break up the façade. Roofs should be covered in shingle (slate, wood, and asphalt/fiberglass) or metal (such as standing seam) depending on the type of building.

(7) All windows, with the exception of storefronts, shall be vertical in proportion. Multiple panes divided by muntins are encouraged, in accordance with the style of the building. True divided lights or simulated divided lights should be used rather than windows with snap on grids. Mirrored, reflective, or darkly tinted glass shall not be permitted.

(8) Along frontages, doors that operate as sliders are prohibited and windows that operate as sliders are discouraged.

(9) Front porches shall be no less than 8′ deep.

(10) Fences, if provided, shall be located at the frontage line as illustrated in Figure 8 and 16, and may be provided at lot lines. The maximum height of a fence in a front yard shall be three (3) feet; corner lots shall be considered to have two front yards. The maximum height of a fence on the rear yard shall be six (6) feet. Fences along a side yard shall have a maximum height of three (3) feet from the frontage line to the building façade, and a maximum of six (6) feet from the building façade to the rear yard line. Fences shall be installed with the finish side out, and shall not be made of chain link and should not be made of plastic or vinyl in areas where the maximum permitted fence height is three (3) feet.

(11) Additional Requirements Specific to the Commercial Center:

(a) The facades on retail frontages shall be detailed as storefronts and glazed no less than seventy (70) percent of the sidewalk-level story, allowing views into and out of the interior to create visual interest at street level.

(b) Shopfront design shall be based upon historic examples in the Village of Red Hook. Windows shall be distributed in a more or less even manner consistent with the rhythm of voids and solids of historic buildings, and shall have low sills and high lintels consistent with the window proportions of historic buildings. Doorways, windows and other openings in the façade shall be proportioned to reflect pedestrian scale and movement. Colonnades, arches and traditional canvas-like awnings without interior illumination are encouraged along street frontages.

(c) Primary entries to shopfronts shall be emphasized through the use of architectural features such as roofs, recessions into the façade, pilasters or other details that express the importance of the entrance.

(d) Facades of larger buildings shall be articulated to appear as multiple buildings, as illustrated in Figure 19.

(e) All mechanical equipment, whether roof- or ground-mounted, shall be completely screened from contiguous properties and adjacent streets in a manner that is compatible with the architectural treatment of the principal building.

(f) Restaurants and cafes. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way and in courtyards, provided pedestrian circulation and access to store entrances shall not be impaired. The following standards and guidelines are applicable to sidewalk cafes:

[1] All outdoor dining shall be shown on a site plan submitted with the application.

[2] To allow for pedestrian circulation, a minimum of 8 feet of sidewalk along the curb leading to the entrance of the establishment shall be maintained free of tables and other encumbrances.

[3] Planters, posts with ropes, railings or other removable enclosures are encouraged and shall be used as a way of defining areas occupied by the cafe.

[4] Extended awnings, canopies, or large umbrellas shall be permitted and located to provide shade. Colors shall compliment building colors where the establishment is located.

[5] No outdoor service bar shall be permitted. All food and beverages shall be dispensed from the interior of the restaurant.

[6] All tables and chairs shall be movable. No permanent or fixed seating shall be permitted. No standing room service shall be permitted.

[7] No outdoor music or sound amplified from the interior of the building shall be permitted.

[8] Outdoor cafes shall be required to provide additional outdoor trash receptacles.

[9] Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.

[10] The operators of outdoor cafes shall be responsible for maintaining a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of their activities.

N. Landscaping Standards.

(1) The introduced landscape shall consist primarily of native species and hybrids of native species requiring minimal irrigation, fertilization and maintenance. Invasive species are prohibited.

(2) All trees shall have a minimum caliper of 2½ inches measured at breast height at time of planting.

(3) Street trees shall be located in the tree lawn between the sidewalk and the street curb or pavement.

(4) Multiple species of street trees of similar size and canopy shape shall be used on each street.

(5) Street trees shall be hardy varieties, tolerant of soil compaction and salt, drought resistant, and free of objectionable droppings such as seed pods. Appropriate species shall be recommended by the Town of Red Hook Tree Committee.

(6) Street trees shall be planted closer together (20-30 feet on center) in areas with slow speed limits (15-25 mph) and farther apart (30-40 feet on center) in areas with higher speed limits (25-35 mph). The spacing may be adjusted to accommodate specific site conditions, such as building entrances, driveways and street corners as well as by the species of trees planted.

(7) Additional Requirements Specific to the Commercial Center Subdistrict:

(a) Street trees shall be planted in a regularly-spaced and aligned row, and shall be species with shade canopies at a height that, at maturity, is tall enough to frame the street but remains predominantly clear of building frontages.

(8) Additional Requirements Specific to the Residential Neighborhood Subdistrict:

(a) For "porch and fence" and "forecourt" frontage types (as illustrated in Figure 14), a minimum of one (1) tree shall be planted within the front yard of the lots for each thirty (30) feet of frontage line.

(9) Additional Requirements Specific to the Office-Industrial Subdistrict:

(a) A landscaped buffer a minimum of 200 to 335 feet in width, in accordance with the required front yard setback for the proposed building(s), shall be provided between the proposed development and US Route 9. All structures and parking shall be effectively screened on a year-round basis from views from US Route 9 through the preservation of existing vegetation and landforms, and by substantial new plantings.

O. Sign Standards.

(1) For each dwelling unit, one (1) non-illuminated nameplate, professional sign or sign indicating a permitted home occupation, with an area of not over two (2) square feet per face, shall be permitted.

(2) To ensure that new residential development is integrated into the existing urban fabric, permanent signs identifying the name of a subdivision or development shall not be permitted.

(3) In the Commercial Center Subdistrict:

(a) Each building shall be limited to a total sign area of one (1) square foot in area for every two (2) linear feet of ground-floor street frontage occupied by an establishment, but not exceeding thirty (30) square feet, for any sign parallel to and flat against the façade of a building or fifteen (15) square feet for any other sign.

(b) No attached sign may extend more than six (6) feet over the street right of way/property line.

(c) Freestanding signs shall not be permitted where the building is set less than twenty (20) feet back from the property line.

(d) Projecting signs shall be not less than seven-and-one-half (7½) feet from the ground. The top of a sign shall not exceed twelve (12) feet in height.

(e) Interior sign coverage shall not exceed thirty (30) percent of the glass area or window in which it is displayed.

(4) In the Office-Industrial Subdistrict signs shall be permitted as provided for in § 143-27D(5) and § 143-27E of this Chapter.

(5) Any illuminated signs shall be lit externally from the top down with no glare for pedestrians or motorists. Internally illuminated signs and internally illuminated awnings that display signs are prohibited.

P. General Ambient Standards.

(1) Proposed uses shall not have an adverse impact on the neighborhood due to hours of operation, noise or loitering.

(2) The emission of smoke, gas, dust odor, or other atmospheric pollutant shall be reasonably minimized outside the building in which the use is conducted.

(3) No use shall be permitted that presents physical hazard by reason of fire, explosion, radiation or any similar cause.

Q. Utilities and Services.

(1) The developer shall provide all necessary water and sewer facilities (or make an equivalent monetary contribution towards water and sewer facilities), storm drainage, highway access, paved streets, sidewalks, pedestrian paths, street trees, parking and loading facilities, and lighting, making reasonable provision for utility service connections with adjoining properties in other ownership.

(2) Management of on-site stormwater shall be in accordance with the Town of Red Hook Stormwater Management requirements or the New York State Stormwater Management Guidance Manual (as may be amended from time to time), whichever is more stringent.

(3) Utility services shall be provided underground.

(4) Plans for the collection, storage and disposal of refuse within any TND shall be subject to Planning Board approval as part of its review of site development plans. The outside storage of refuse, if permitted, shall be in rodent proof containers conveniently located and enclosed or otherwise screened from view.

(5) Outdoor storage shall be screened from view from any frontage by a streetscreen or appropriate landscaping as determined by the Planning Board.

(6) Proper access for fire-fighting equipment and personnel shall be provided. Hydrants shall be provided in such number and location and with such water supply and pressure as may be determined adequate by the Planning Board, based upon the recommendation of the Town Engineer and the Fire Department servicing the site.

R. Pre-existing Conditions.

(1) Existing buildings that do not conform to the provisions of this section may continue in accordance with the provisions of Article VIII of this Chapter.

(2) Where buildings exist on adjacent lots, the Planning Board may require that a proposed building match one or the other of the adjacent setbacks rather than the provisions of this section.

S. Expiration of Approval.

(1) Any site plan or subdivision plan approval for a TND shall expire if a building permit is not issued and construction begun within two (2) years of the date of approval, except that the Planning Board may grant two (2) extensions of six months each if requested by the applicant and if deemed in the public interest by the Planning Board.

T. Waivers.

(1) Where the Planning Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed TND project site or because of the nature of adjacent developments, extraordinary hardship would result from strict compliance with the site design standards in §§ 143-49.1J through O, it may waive or modify the requirements of those subsections to mitigate the hardship so that substantial justice may be done and the public interest secured, provided that no such waiver shall be granted which will have the effect of nullifying the intent and purpose of the TND District.

(2) The Planning Board may, in granting waivers or modifications to these site design standards, incorporate such reasonable conditions as will, in its judgment, substantially secure the objectives of the requirements so waived.

(3) No waiver or modification may be deemed approved or granted by implication. All waivers and modifications must be expressly set forth in the minutes of the Planning Board.

(4) Waivers shall be considered unique and shall not set precedent for others.

U. Definitions. Unless otherwise stated, the following terms shall, for the purposes of § 143-49.1 have the meanings herein indicated:

ALLEY – A vehicular way located to the rear of lots providing access to service areas and parking for buildings that include non-residential uses, and which may contain underground utility easements.

BACKBUILDING – An accessory building located towards the rear of the same lot as a Principal Building. It is sometimes connected to the principal building by a Connecting Building. Backbuildings shall not exceed 600 square feet of habitable space, excluding parking areas. See Figure 15.

BLOCK – The sum of lots and rear lanes or alleys circumscribed by streets.

BUILDING DISPOSITION – The placement of a building on its lot.

BUILD-TO LINE – A line extending through a lot which is generally parallel to the street curb and which marks the location from which the principal vertical plane of the front building facade, exclusive of porches, bay windows and similar appurtenances, must be erected. Intended to create an even building façade line on a street, which enhances the street as a public space. Lots that front on more than one street shall have a build-to line along each of the streets on which the lot fronts. The build-to line is established on the final TND site plan and subdivision plat, if any.

CIVIC BUILDING – A building designed specifically for a civic function and open to all members of the public and generally operated by not-for profit organizations dedicated to arts, culture, education, or for neighborhood meetings and recreation whether a fee is charged or not, but excluding buildings belonging to a church or other places of religious worship.

CIVIC SPACE – An open space area permanently dedicated for public use, or a site dedicated for a civic building, such as a community center or an elementary school. Open space types are defined by the combination of certain physical constants including the relationship between their intended use, their size, their landscaping, and their enfronting buildings. See Figures 5-7.

COMMERCIAL CENTER – Streets containing a mix of uses, including a variety of retail shops and services that support the day-to-day needs of neighborhood residents, complemented by other compatible business, civic and residential uses in commercial-type buildings in a manner consistent with the downtown of the Village of Red Hook.

CONNECTING BUILDING – A single-story accessory building connecting a Principal Building to a Backbuilding. See Figure 15.

DESIGN SPEED – The velocity at which a street tends to be driven without the constraints of signage or enforcement. There are three ranges of speed: Very Low (below 20 mph), Low (20-25 mph), and Moderate (25-35 mph). Road width is determined by desired design speed.

DISPOSITION – See "Building Disposition."

DWELLING UNIT, ANCILLARY – A dwelling unit not greater than 600 square feet in gross floor area sharing ownership and utility connections with a Principal Building. An Ancillary Dwelling Unit may be located within the Principal Building or within a Backbuilding. Ancillary Dwelling Units do not count toward permitted units per acre.

DWELLING UNITS, TND:

TND APARTMENT – A dwelling unit sharing a building and a lot with other dwellings or uses, and having a minimum size of 400 square feet of gross floor area and a maximum size of 1,200 square feet of gross floor area. The definition of "TND Apartment" shall not include TND Duplex and TND Townhouse. TND apartments may be for rent or for sale.

TND COTTAGE – A detached single family dwelling unit that shall not exceed 1,200 square feet in gross floor area.

TND DUPLEX – Two dwelling units placed one on top of another or attached side-by-side and sharing one or more common walls.

TND HOUSE – A detached single-family dwelling unit greater than 1,200 square feet in gross floor area.

TND TOWNHOUSE – A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

EDGE-YARD BUILDING – A building that has setbacks on all sides. See Figure 12.

FAÇADE – The exterior wall of a building that is set along a Frontage Line.

FRANCHISE ARCHITECTURE – A building design that is trademarked, branded or easily identified with a particular chain or corporation and is generic in nature.

FRONTAGE LINE – Those lot lines that coincide with a roadside. Facades along Frontage Lines define the public realm.

GREEN – An open space available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscaping shall consist of lawn and trees, naturally disposed. The minimum size shall be one-quarter (¼) acre and the maximum shall be six (6) acres. See Figure 5.

INFILL – A project within the existing urban fabric.

LANE – A vehicular way located to the rear of lots providing access to parking and backbuildings on residential lots and which may contain underground utility easements.

LAYER – A portion of a lot within which certain elements are permitted. See Figure 18.

LODGING – Premises available for transient renting of bedrooms such as a hotel, motel, inn, but excluding boardinghouse or rooming house as defined in section 143-4 of this Chapter. The area allocated for food service shall be calculated and provided with parking according to retail use.

LOT LINE – The boundary that legally and geometrically demarcates a lot. Such lines appear graphically on Site Plans. Lot lines are the baseline for measuring setbacks.

LOT WIDTH – The length of the principal Frontage Line of a lot.

MAIN COMMERCIAL STREETS – The main commercial streets within the Commercial Center of the TND District shall include the Route 9 corridor (South Broadway), Hannaford Drive to the proposed east extension of Old Farm Road, and 600′ east and west of Route 9 at the intersection of Old Farm Road.

MEETING HALL – A building available for public gatherings. It should accommodate at least one room equivalent to a minimum of 10 square feet per projected dwelling unit within the neighborhood in which the meeting hall is located. A Meeting Hall shall be completed upon the sale of seventy-five (75) percent of the dwelling units. The Meeting Hall may be used for the marketing purposes of the development until the sale of seventy-five (75) percent of the dwelling units, at which time control of its use shall be given to the Homeowners Association.

PEDESTRIAN PASSAGE – A pedestrian connector passing between buildings, providing shortcuts through long blocks and connecting rear parking areas to building frontages. Passages should connect directly with the sidewalk network. Passages may be roofed over.

PLAYGROUND – A greenspace designed and equipped for the recreation of children. A playground shall be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included with greens and squares. There shall be no minimum size and the maximum shall be one (1) acre. See Figure 7.

PORCH – A roofed-over structure projecting out from the wall or walls of a main structure and often open to the weather.

PRIVATE FRONTAGE – The privately held layer between the Frontage Line and the principal building facade. The structures and landscaping within the Private Frontage may be held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architectural elements such as fences, stoops and porches. See Figures 8 and 16.

REAR-YARD BUILDING – A building that occupies the full frontage line, leaving the rear of the lot as the sole yard. The continuous façade spatially defines the public realm of the street. For its residential function, this type yields a rowhouse. For its commercial function, the rear yard can accommodate substantial parking. See Figure 12.

RETAIL – Premises available for the sale of merchandise and food service.

RETAIL FRONTAGE LINE – Frontage Lines designated on a Site Plan that require the provision of a shopfront, causing the ground level to be available for retail use.

ROADSIDE – The public or commonly owned right-of-way adjacent to the paved portion of a street from the edge of the curb or pavement to the front property line of adjoining parcels, where sidewalks, tree lawns, street trees, streetlights, and curbing are located.

SATELLITE POST OFFICE – An establishment offering limited postal services (such as selling stamps, weighing and processing regular and certified mail, registering priority and express mail) with limited hours of operation for the convenience of neighborhood residents.

SIDE STREETS – Side streets within the TND District include all streets, and portions of streets, that are not included in the definition of "Main Commercial Streets."

SIDEWALK – The paved portion of the roadside dedicated to the use of pedestrians.

SIDE-YARD BUILDING – A building that occupies one side of the lot with a setback to the other side. See Figure 12.

SQUARE – An open space area available for unstructured recreation and civic purposes. A square is spatially defined by building frontages and serves as a central focus for surrounding properties. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares should be located at the intersection of important thoroughfares. The minimum size shall be one-quarter (¼) acre and the maximum shall be two (2) acres. See Figure 6.

STORY – A habitable level within a building. Basements that emerge less than two (2) feet from finished grade, or attics not exceeding four (4) feet at the knee-wall are not considered stories for the purposes of determining permitted stories.

STREETSCAPE – The urban element that establishes the major part of the public realm. The streetscape is defined by elements such as neighboring buildings, pavement width, sidewalks, trees, lighting, signs, benches and other "furniture."

STREETSCREEN – An opaque, freestanding wall built along the frontage line, or coplanar with the facade, often for the purpose of masking a parking lot from the street. Streetscreens should be between 3½ and 6 feet in height and constructed of a material matching the adjacent building facade. The streetscreen may be a hedge or fence by Waiver. Streetscreens shall have openings no larger than is necessary to allow automobile and pedestrian access. In addition, all streetscreens over 4 feet high should be thirty (30) percent permeable or articulated to avoid blank walls.

TERMINATED VISTA – A location at the axial conclusion of a street.

THIRD PLACE – A place for meeting and gathering between work and home, such as a café, pub or bar.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) – A compact, pedestrian-oriented neighborhood with variable lot sizes, a variety of dwelling unit types and on-street parking, located within walking distance of a Commercial Center and encompassing a mixture of compatible land uses.

TND SETBACK – The area of a lot measured from the lot line to a building facade or elevation. This area must be maintained clear of permanent structures with the exception of: galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows, terraces and decks (that align with the first story level), which are permitted to encroach into the TND Setback.

TREE LAWN – The area between the sidewalk and the street curb or that accommodates street trees and streetlights and which, in conjunction with cars parked along the road, serves to protect pedestrians on the sidewalk from vehicular traffic. Tree lawns should be a minimum of 5′ in width.

§ 9-13. The following new § 143.49.2 is hereby added:

§ 143-49.2. Open Space Incentive Zoning

A. Purpose and objectives.

(1) The Town Board of the Town of Red Hook, consistent with § 261-b of the Town Law of the State of New York and the Town of Red Hook *Comprehensive Plan*, has determined that it is appropriate to make adjustments to permissible building potential and area requirements in the Traditional Neighborhood Development (TND) District for the specific purpose of preserving open space in the Agricultural Business (AB) District at a minimum cost to the residents and taxpayers of the Town.

(2) To achieve this intent, it is the purpose of this section to authorize the Planning Board to grant incentives to the private sector engaged in the land development process for the specific purpose of preserving open space, in accordance with the Town of Red Hook's *Comprehensive Plan* and in coordination with other community planning mechanisms or land use techniques.

(3) This authority may be used by the Planning Board to assist in implementing the following objectives from the Town's *Comprehensive Plan*:

(a) To protect farms and important farmland in the AB District.

(b) To protect lands certified for inclusion in Dutchess County Agricultural District 20 by the New York State Department of Agriculture and Markets pursuant to the NYS Agricultural Districts Law and which are located in the AB District.

(c) To protect highly valued ecological resources and environmentally sensitive areas in the AB District as identified in the Town's *Open Space Plan.*

(d) To provide incentives for new development to locate within the TND District.

(e) To allow for village-scale commercial and residential development within the TND District to reinforce the traditional land use pattern of a close-knit mix of uses surrounded by the rural countryside.

B. Applicability. This section applies only to the following zoning districts: AB District and TND District, as shown on the Town of Red Hook Zoning Map.

C. Definitions. For the purpose of this section, the terms used are defined as follows:

COMMUNITY BENEFITS – Open spaces, including important farmland and other open space lands that have ecological, economic, or aesthetic benefit to the residents of the community.

INCENTIVES – Adjustments to the permissible building potential and area requirements of the Zoning Law of the Town of Red Hook in exchange for a specific community benefit that provides for the significant preservation of open space.

INCENTIVE ZONING – The system by which specific incentives are granted, pursuant to § 261-b of the Town Law of the State of New York and the provisions of this section, on condition that specific community benefits would inure to the Town.

D. Permitted Incentives. The Planning Board may grant the following specific incentives in accordance with the procedures set forth in this section:

(1) Decreases in single-family dwelling unit lot sizes below what is permitted as-of-right within the TND District.

(2) Increases in commercial (office, retail, service, as defined in § 143-49.1 of this Chapter) density beyond what is permitted as-of-right within the TND District.

(3) Increases in building potential for two-family, rowhouse, multifamily, and apartments in upper floors of mixed-use buildings beyond what is permitted as-of-right within the TND District.

E. Community benefits.

(1) The following community benefits may, at the discretion of the Planning Board, be accepted in exchange for an incentive as provided in "permitted incentives" above. These community benefits shall only be located within the AB District and may involve one or more parcels of land.

(a) Permanent conservation easements in accordance with § 143-33E and § 120-18.1C of the Town Code. Said conservation easement shall not be on lands that have been, or are proposed to be, part of a conservation subdivision. Proof of perpetuity (signed purchase contract or easement title) is required in writing to the Town of Red Hook Planning Board prior to approval of a site plan or subdivision plan which includes an open space incentive zoning proposal.

(b) Permanent protection of land in fee simple. Proof of perpetuity (executed purchase contract or transfer of ownership of title to a public entity or not-for-profit conservation organization as defined in § 49-0303 of the New York State Environmental Conservation Law) is required in writing to the Town of Red Hook Planning Board prior to approval of a site plan or subdivision plan which includes an open space incentive zoning proposal.

(c) Cash in accordance with the "Special Conditions" below, paid to the Town of Red Hook's dedicated open space reserve fund for utilization by the Town exclusively for the permanent protection of open space in the AB District. Prior to subdivision or site plan approval, the required cash deposit per unit must be placed in an escrow account to be

held by the Town and documented in writing to the Town of Red Hook Planning Board. Such escrow must be unconditionally paid to the Town for deposit in the Town's dedicated open space reserve fund prior to the earlier of execution of a subdivision plan, final approval of a site plan, or the issuance of a certificate of occupancy.

(d) Any combination of the above-listed community benefits.

(2) These community benefits will be in addition to any other mandated requirements pursuant to other provisions of the Town of Red Hook Code and any other applicable law or regulation.

F. Special conditions.

(1) All proposed community benefits to be provided by the applicant must show a demonstrable ecological, economic, agricultural, or aesthetic benefit to the AB District.

(2) The Planning Board shall be authorized to grant incentives only in accordance with the following conditions:

(a) Determination of incentive.

[1] The incentive granted shall be based on the development potential of the buildable acreage and as described in the Table below, as determined by the Planning Board at the time of application. Buildable acreage shall be determined based upon § 143-23 of this Chapter.

DETERMINATION OF COMMUNITY BENEFIT REQUIRED FOR INCENTIVES		
Development	**Development Increase**	**Benefit Required**
TND House, TND Townhouse, TND Cottage, TND Duplex, TND Apartment	one (1) dwelling unit	3 acres buildable acreage or $20,000
Office/Retail/Service	2,000 square feet of gross floor area	2 acres buildable acreage or $15,000

[2] Increases will be granted in increments according to the Table above and shall not exceed the permitted increase over the original base zoning of the incentive site as stipulated in § 143-49.1 of this Chapter.

[3] For example, a project that is seeking a density increase of 2,000 square feet of office, 2,000 square feet of retail space, and two TND Houses beyond the base zoning would be required to conserve 10 acres of buildable acreage in the AB District. Alternatively, an equivalent fee could be paid to the Town of Red Hook's dedicated open space fund.

[4] The fees referred to in the Table above are to be automatically adjusted annually by the actual percent changes to the median sales price of residential real property in Dutchess County, as determined by the Office of Real Property Services pursuant to § 425 of the Real Property Tax Law.

G. Criteria and procedure for approval.

(1) Optional pre-application review. It is recommended that the applicant meet informally with Town planning staff prior to completion of an application for incentive zoning for purposes of gathering information for the proposed benefit/incentive exchange. The applicant is advised to review the *Comprehensive Plan* and any other materials the Town may have on file regarding the open space incentive zoning program.

(2) Applications requesting incentives in exchange for providing community benefits shall be submitted to the Planning Board and shall be submitted simultaneously with an application for subdivision and/or site plan. The application shall include the following information:

(a) The requested incentive.

(b) The proposed community benefit.

[1] If the community benefit outlined in subsection E(1)(a) or E(1)(b) is proposed:

[i] The location of the proposed conservation site shall be demonstrated. The proposed conservation site shall be located in the AB District.

[ii] The site's buildable and unbuildable acreage shall be calculated and mapped in accordance with § 143-23 of this Chapter, and submitted as part of the application.

[iii] The base density calculation that is the basis for the proposed exchange for incentives shall be provided.

[iv] The conservation site proposed for permanent protection shall include the required buildable acreage and may include areas of unbuildable natural features. Any proposed subdivision of land related to the efforts to obtain control of land for the incentive zoning proposal must be approved by the Planning Board as applicable.

[2] If the community benefit outlined in subsection E(1)(c) is proposed, the estimated cash value of the proposed community benefit.

(c) A narrative which demonstrates the following:

[1] Consistency with the Generic Environmental Impact Statement (GEIS) for the Town of Red Hook Local Law #3 of the Year 2011 and with § 143-49.1F.4 of this Chapter. If the proposal exceeds any of the analysis of the GEIS, a supplemental environmental review shall be required that demonstrates that there are adequate sewer, water, transportation, waste disposal and fire-protection facilities, available or proposed, to accommodate the additional demands the incentive may place on these facilities beyond the demand that would be placed on them if the proposed development parcel(s) in the TND District were developed to their fullest base development potential.

[2] That all conditions and other applicable requirements of the law are met.

(d) A Full Environmental Assessment Form.

(e) Any other information or support materials as needed or requested by the Planning Board.

(3) Review by Planning Board. The Planning Board may engage a consultant to assist in review of the application, the cost of which shall be borne by the applicant in accordance with Chapter 70 of the Town Code. When required by § 239 of the General Municipal Law, the application shall be forwarded to the Dutchess County Department of Planning and Development for its review. The Planning Board may also refer the application to other local and county officials, representatives of federal and state agencies and consultants as deemed appropriate. Suggested modifications to the proposal in order to achieve consistency with the purposes and objectives of this section may also be provided by the Planning Board to the applicant.

(4) Compliance with SEQR. Every decision by the Planning Board concerning an application for use of incentive zoning on a particular project shall fully comply with the provisions of SEQR.

(5) Public hearing. Prior to its final decision the Planning Board shall conduct a public hearing on the application. The public hearing on the incentive zoning application should be conducted in conjunction with the application for site plan and subdivision plat approval for the proposed TND project. The public hearing should preferably be conducted in conjunction with any public hearing required under SEQR. At least five days' notice of the time and place of the hearing shall be published in the official newspaper of the Town.

(6) Findings and final decision.

(a) Following the public hearing and completion of the SEQR process, the Planning Board may approve, approve with modifications or conditions, or deny the proposed incentive zoning application. The basis for the Planning Board's decision shall be reflected in the record. The record shall include, but not be limited to, the following:

[1] SEQR documentation: that all requirements of SEQR have been met, i.e., either a determination by the lead agency that the proposed project is not likely to have a significant adverse impact on the environment (negative declaration), or the filing of a SEQR findings statement.

[2] Development capacity: that the proposed project, including the incentive, can be adequately supported by the public facilities available or provided as a result of the project, including but not limited to sewer, water, transportation, waste disposal and fire protection.

[3] Public benefit: that the community benefit provided by the applicant is commensurate with the incentive granted by the Planning Board.

[4] Project quality: that the project is in harmony with the stated objectives of this section and will promote the purposes herein, and that the project is sufficiently advantageous to render it appropriate for grant of an incentive.

(b) The Planning Board may impose conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project.

(7) Required modifications during subdivision/site plan approval. If in the subdivision or site plan review process the Planning Board determines that certain elements of the application for a zoning incentive, as it has been approved by the Planning Board, are not feasible and are in need of modification, the applicant shall present a proposed solution. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent of the incentive zoning resolution.

SECTION 10. AMENDMENTS TO ARTICLE VI OF THE ZONING LAW ENTITLED "SPECIAL PERMIT USES"

§ 10-1. Section 143-64 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Accessory apartments shall be allowed by special permit within existing single-family dwellings in the AB, LD, RD5, RD3, R1.5, R1, H, I, B1 and B2 Districts, provided that:"

§ 10-2. Section 143-65 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Accessory apartments shall be allowed by special permit within new single-family dwellings in the AB, LD, RD5, RD3, R1.5, R1, H and I Districts, provided that:"

§ 10-3. Section 143-66 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Accessory apartments through adaptive reuse of non-dwelling structures shall be allowed by special permit in the AB, LD, RD5, RD3 and I Districts, provided that:"

§ 10-4. Section 143-68 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Cottages, as defined in § 143-4 of this chapter, shall be allowed by special permit in the AB, LD, RD5, RD3, R1.5, R1 and H Districts, provided that:"

Amend subsection E so that it reads as follows: "The cottage shall satisfy all setback requirements set forth in the District Schedule of Area and Bulk Regulations for a principal structure within the zoning district, with the exception of the AB District where the cottage shall be sited in accordance with the provisions of § 143-39.1F.

§ 10-5. Section 143-69 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Home occupations Class 2, occurring within a customary accessory building or requiring outdoor storage of materials or equipment used in connection with the home occupation on a residential premises, shall be allowed by special permit in the AB, LD, RD5, RD3 and H Districts, provided that:"

§ 10-6. Section 143-70 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Private airstrips or heliports shall be allowed by special permit in the AB, LD, RD5, RD3, B1 and I Districts, provided that:"

§ 10-7. Section 143-71 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Hunting/and or fishing clubs shall be allowed by special permit in the AB, WC, LD, RD5 and RD3 Districts, provided that:"

§ 10-8. Section 143-76 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Cemeteries, including mausoleum, shall be allowed by special permit in the AB, RD5, RD3, H and I Districts, provided that:"

§ 10-9. Section 143-79 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Cultural facilities (e.g., libraries, art galleries or museums) shall be allowed by special permit in the LD, H, and I Districts, and museums and agricultural learning institutions shall be allowed in the AB District, provided that:"

§ 10-10. Section 143-87 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Commercial boarding and/or breeding kennels or animal hospitals (unenclosed) shall be allowed by special permit in the AB, RD5, RD3 and B2 Districts, provided that:"

§ 10-11. Section 143-89 is hereby amended as follows:

Add the TND District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Convenience stores, as defined in § 143-4 of this chapter, shall be allowed by special permit in the TND, B1 and B2 Districts, provided that:"

10-12. Section 143-90 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Farmers' markets, as defined in § 143-4 of this chapter, shall be allowed by special permit in the AB, B1, B2,, and LI Districts, provided that:"

§ 10-13. Section 143-91 is hereby amended as follows:

Add the TND District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Gasoline stations or automobile service facilities shall be allowed by special permit in the TND, B1 and B2 Districts, provided that:"

Add the following underlined text to subsection B: "The area for use by motor vehicles, including display and storage, except access drives thereto, as well as any structures shall not encroach on any required yard area, with it further provided that, with the exception of the TND District, no building shall be erected closer than fifty (50) feet to any street or lot line or such greater dimension as is required within Article IV of this chapter."

Add the following new subsection I: "In the TND District, fuel pumps shall be located to the rear of the building."

§ 10-14. Section 143-93 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Inns shall be allowed by special permit in the AB, RD3, I and B1 Districts, provided that:"

Add to following phrase to the end of subsection A: "except in the AB District an inn shall be limited to sixteen (16) guestrooms as long as the inn has ingress and egress directly from a State highway."

Add the AB District to subsection B so that it reads as follows: "An inn may provide dining facilities open to both its guests and the general public as an accessory use. The total number of seats in its dining room(s) shall not exceed thirty (30) in the AB, RD3 or I Districts."

To subsection D, add the following phrase to the end of the first sentence: "except in the AB District where construction of new inns is allowed."

To subsection E, add the following sentence after the existing sentence: "The minimum lot area for an inn established through adaptive reuse in the AB District shall be five (5) acres, and the minimum lot area for construction of a new inn in the AB District shall be fifteen (15) acres."

§ 10-15. Section 143-96 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Restaurants shall be allowed by special permit in the AB and RD3 Districts, provided that:"

Add the following new condition:

A. In the AB District, a Restaurant shall be associated with an Inn or Farm Market and shall meet the setback requirements for such associated uses.

Amend existing condition A to refer only to the RD3 District.

§ 10-16. Section 143-102 is hereby amended by adding the following subsections:

F. A hydrogeologic report assessing impacts of the proposed development on the quality and quantity of ground water resources shall be submitted.

§ 10-17. Section 143-103 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in subsection A so that it reads as follows: "Commercial communications receiving and/or transmitting facilities shall be allowed by special permit in the AB and RD3 Districts, provided that:"

§ 10-18. Section 143-106 is hereby amended as follows:

Add the AB District to the list of Zoning Districts in the introductory sentence so that it reads as follows: "Sawmill and related facilities shall be allowed by special permit in the AB and RD3 District, provided that:"

§ 10-19. A new § 143-91.2 is hereby added as follows:

§ 143-91.1. Self-Storage Warehouse

Self-Storage Warehouse in the TND Commercial Center Subdistrict shall be allowed by special permit, provided that:

1. All principal and accessory structures, with the exception of a sign, shall be located a minimum of 500 feet from the right-of-way of NYS US Route 9. This shall be an exception to the maximum front yard setback in the TND District.

2. All principal and accessory structures shall be located a minimum of 50 feet from any property line adjoining a residential zoning district to minimize potential impacts to residential properties.

3. No drive lane or parking area shall be located closer than 50 feet to any property line adjoining a residential zoning district.

4. For sites adjacent to a residential zoning district, hours of operation shall be limited to 7 am to 9 pm.

5. For sites adjacent to a residential zoning district, an evergreen hedge shall be planted to effectively screen the facility from the boundaries of the lot adjacent to the residential zoning district.

6. Ingress and egress shall be provided only from a state road or a through town road that does not pass through a residential zoning district.

§ 10-20. A new § 143-110.1 is hereby added as follows:

§ 143-110.1. Agricultural Product Distribution Center (Wholesale).

Agricultural Product Distribution Center (Wholesale) in the AB District shall be allowed by special permit, provided that:

A. The minimum lot area shall be fifty (50) acres.

B. The site shall have both frontage and direct and usable access on a state highway.

C. No building, parking area or authorized outdoor storage of material, equipment or vehicles shall be located closer than one hundred and fifty (150) feet to any property line nor within two hundred and fifty (250) feet of any neighboring residence, and any such building, parking area or outdoor storage area shall be effectively screened by intervening landform and/or vegetation from neighboring properties and public rights-of-way.

D. Maximum lot coverage shall be five percent (5%) of the total site area.

E. Maximum building height shall be two (2) stories or thirty-five (35) feet, whichever is more restrictive.

F. Adequate water and sewage disposal facilities shall be provided in accordance with the requirements of the town of Red Hook, the Dutchess County Department of Health and the New York State Departments of Health and Environmental Conservation.

SECTION 11. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.